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Henry B. Anthony.

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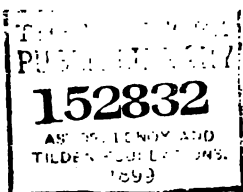


**NOTES**  
**ON**  
**DUELS AND DUELLING,**  
**ALPHABETICALLY ARRANGED,**  
**WITH A**  
**PRELIMINARY HISTORICAL ESSAY.**

**By LORENZO SABINE.**

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**BOSTON:**  
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## PREFACE.

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THIS page — the last to be written — is the author's own. Here he may speak to his reader without restraint, and, if he will, as to a friend. The writer, in availing himself of the privilege accorded to all, would remark, in the first place, that whoever opens this volume in the expectation of finding mention of every challenge given and of every duel fought, in the United States or elsewhere, will be disappointed. The work, in its claims as a *record*, is sufficiently moderate.

Bred to active business, and employed nearly the whole of his life in commercial or kindred pursuits, the author's leisure hours only have been devoted to books. In order to make the most of these hours, the plan of taking and filing away for use, as occasion might admit, memoranda of incidents and facts of interest, was adopted in early youth, and has been continued until the present moment. These NOTES are, then, simply the results of common and every-day reading, observation, and conversation, for a series of years, in this particular direction.

As, in preparing the "*American Loyalists*" for the press, the author was cheered in seasons of discouragement by the reflection, that his labors would at least diminish the hate which had existed for two generations between the inhabitants of the British Colonies and those of his native country, — between the losers and the winners in the Revolutionary strife, and their children, — and thus hasten the period of a peaceful and permanent

union: so now, he would humbly cherish the belief that the influence of these tales of blood and crime will be to lessen the number of single combats between persons who may rightfully claim the appellation of gentlemen, and so do something to advance the great cause of human brotherhood.

The account of a single hostile meeting, however sad the details, seldom leaves a deep and lasting impression: but, unless the author much mistakes the nature of the human mind, the effect — upon the votaries of the duello — of the reading at one time, and in course, of several hundred challenges and duels, which embrace accounts of almost every imaginable form of injury and affront, and of almost every possible variety of result to the parties and to their friends and families, must be far different. Certain it is, that, but for this thought, the task now completed would never have been undertaken.

There are many in New England who will object, because terms of unconditional, indiscriminate condemnation of the duellist have been withheld. With all respect, be it so. Yet let it be said in reply, that the sympathy manifested in these pages is in no case for the crime, but always for the unhappy social position of the duellist. Most persons, it is apprehended, who calmly consider the subject as it actually is, will assent to and fully appreciate the duellist's plea; namely, that, if wronged or insulted, he is required to choose between a violation of human and divine laws on the one hand, and the loss of his place in society on the other; and that of consequence, and do what he may, he falls a helpless sacrifice. While, then, there is a grave sin to condemn, there is also a feeling of commiseration to indulge.

During my investigations, I have been convinced of the entire justice of the remark of the great British novelist of modern times, that "few successful duellists (if the word *successful* can be applied to a superiority so fatal) have beheld their dead antagonist stretched on the earth at their feet, without wishing they could redeem with their own blood that which it has been

their fate to spill." The scene in the *Monastery*, between Sir Piercie Shafton and Halbert Glendinning, — where the passage above cited occurs, — is drawn from real life : and this volume contains more than one instance in which the fallen duellist literally tendered his unharmed adversary his purse, and counselled him to fly and save himself; in which the latter "tore his hair for very sorrow, as he looked on the pale countenance of his victim"; and in which he exclaimed, in vain penitence, like Halbert, "Why did I provoke him to an issue so fatal! Would to God I had submitted to the worst insult man could receive from man, rather than be the bloody instrument of this bloody deed."

Such are the general reasons that have induced the author, except in particular cases, to spare the individual man; but to spare him only that the Public Opinion, the Fashion around him and enslaving him, and which, inexorable in their demands, impose upon him alternatives so appallingly cruel, so utterly unworthy of the civilization of the age, might be assailed with the greater force.

Again : the author, during his researches, has been much impressed with the fact that most duels grow out of trifles; or, as Scott states it, out of "the taking of the wall, or the gentle rub of the shoulder in passing each other, or a hasty word, or a mis-conceived gesture." And the reader of these NOTES will find ample illustrations of the sentiment of Sir Henry Lee, — that inveterate quoter of Shakespeare, and stout old adherent of the Stuarts, in *Woodstock*, — that "The mother of mischief is no bigger than a gnat's wing; and I have known fifty instances in my own day, when, as Will says, —

'Gallants have been confronted hardily  
In single opposition, hand to hand,'

in which, after the field was fought, no one could remember the cause of quarrel."

To assume, as may be done without violence to the general truth, that a large proportion of the cartels are given for trivial



causes, and to assume, also, that REMORSE is wellnigh the universal companion of the "successful" duellist, may not gentlemen in duelling communities be kindly asked, *Whether the CODE OF HONOR ought not now to be abolished?* In view of the latter proposition especially, may they not be gently reminded—ere resolving to appeal to the pistol—of the long roll of those, who, once the pride and hope of the country, went to untimely graves, and of those who, "successful" enough to survive, lived on with wan and haggard face, seeming to say to all observers: "BE WARNED!" We

"Eat our meal in fear, and sleep  
In the affliction of these terrible dreams  
That shake us nightly."

One word more. Entire accuracy, in a work of this description, is not perhaps possible, and for reasons which every student of history will understand without explanation. Yet it may be proper to observe, that, as authorities often differ, and sometimes, indeed, absolutely contradict one another in material circumstances, the writer has been compelled in several cases to select the account which appeared the most probable, and in others, to omit every detail beyond the simple facts of a hostile meeting and its result to the parties. The assurance needs only to be added, that he has designed to arrive at the truth, and to state it in all singleness of purpose.

*Framingham, November, 1854.*

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# HISTORICAL ESSAY.

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## CHAPTER I.

### JUDICIAL DUEL, OR WAGER OF BATTLE.—GENERAL REMARKS.— FRANCE.—ENGLAND.

THIS form of combat is of great antiquity. It was authorized, says Blackstone, in the laws of Gundebald, A. D. 501, which are preserved in the Burgundian code. It was founded on the presumption that a brave man did not deserve to suffer, and that a coward did not deserve to live. Confined at first to some tribes of Germany, it was established, finally, in all the monarchies of Europe. The appeal was directly to God, in the unfaltering faith that he would protect the party whose quarrel was just. If the person accused was victorious, he was acquitted as innocent; if he was defeated, he was pronounced guilty, and subjected to the punishment prescribed by law for his offence. If the accuser was vanquished, he was liable to the penalties that would have fallen upon the accused. In civil cases, also, this combat was the common arbiter between disputants to landed estates, and the various kinds of personal property; and even in suits commenced before the tribunals, a party dissatisfied with the proceedings might throw down his glove and challenge a judge to defend himself in the field. Several descriptions of persons were, however, exempted from the necessity of entering the lists to maintain their innocence, or to protect their property, and among them were women, ecclesiastics, young men under twenty and old men above sixty years of age, and men who were sick, infirm, or maimed; but all these could employ champions to fight in their vindication. Such are the general outlines of the judicial duel, as it existed in Europe for a considerable period. Essential modifications were made from age to

age, until at last it was limited in most nations to accusations of a criminal nature, and in some, to those which were punished with death.

The forms of preparation, and the combat itself, were solemn and imposing. No person, whatever was his wrong, could take vengeance in his own right, and during his first emotions of anger, as in the modern duel. There were judges, or other magistrates, before whom the injured party was required to relate his injuries, and of whom he was compelled to ask permission to prove, in duel, that his accusation was true. The accused was summoned before the same functionaries, and made answer to the charges preferred against him; and days, and even months, elapsed before the judges pronounced an opinion. Meantime, ecclesiastics and friends were commonly employed to persuade the parties to adjust their difficulty without a conflict. Overtures of reconciliation failing, and the accuser and the accused swearing to the truth of their original statements, they were conducted to a spot appointed, and allowed to try the issue between them in mortal strife.

In theory, as will be seen, the combatants always fought in a *just* cause. But it could not have been so in fact, nor was it so in many cases, even in the belief of the parties themselves, and those who in passion, or from unworthy motives, took up an unrighteous quarrel, resorted to various expedients to relieve their consciences, and to put themselves in the right. These evasive shifts are well illustrated in the story of a knight who entered the lists upon a case which he knew was wrong, and who, to change the issue, fled at the first onset. "Turn, coward!" exclaimed his antagonist. "Thou liest!" retorted the knight: "coward I am none, and in *this* quarrel will I fight to the death; but my *first* cause of combat was unjust, and I abandon it."

Under such an institution, duels upon mere points of honor, and in which gentlemen defended their words and acts with their swords, were sure to follow: and it is historically true,—I am led to conclude,—that modern Duelling had its origin in the Wager of Battle.

#### FRANCE.

As in England, the Judicial Duel was, at one period, the universal umpire in disputes between individual subjects. All

cases, whether civil or criminal, were submitted to its decision, and the proceedings were conducted gravely, and in accordance with established rules. Parties were finally allowed, as elsewhere in Europe, to fight by champion, both to secure the rights of the aged and infirm, and to prevent the frequent risk of life by persons of rank. Thus sons often fought in the disputes of fathers, and nobles or gentlemen appeared in the lists in behalf of their sovereigns. A memorable instance of the latter occurred about the close of the twelfth century. A French champion went over to England to fight any one who should assert that Philip, king of France, had done wrong to King John, but fled ingloriously when confronted by his adversary ; and, not daring to return to his native country after such proof of his cowardice, took shelter in Spain. The last case of judicial combat in France, authorized by the magistrates, was in the year 1547, between M. Jarnac and M. de la Chestaignervie.

#### ENGLAND.

The Anglo-Saxons, according to some writers, "allowed an appeal to the judgment of God" by single combat ; but others state that the Judicial Duel, or Wager of Battle, was unknown in England until the Norman Conquest, when it soon became a regular part of the jurisprudence of the country, and was regulated by certain fixed and solemn forms.

Henry the Second disliked the custom, and though he did not venture to abolish it in criminal cases, he still introduced a change which gave the right to either party in civil actions to choose between it and a trial by grand assize or jury. In the reign of John the judicial duel was revived ; and that monarch kept a number of bravos to determine his disputes with his barons. In the time of Edward the Third this mode of adjusting controversies had attained its original influence over the public mind, and was generally preferred to any other form of judicial procedure.

But it became obsolete in the reign of Elizabeth. The last trial, in 1571, was a mere sham. Upon a dispute relative to the title to some manorial lands, the defendant claimed to maintain his possession by duel. The adverse party accepted the challenge, and the ordinary arrangements were made ; but the Queen, to avoid bloodshed, procured a settlement between the disputants, permitting a mock combat only, in observance of the formalities of the law. There was a memorable attempt to ap-

peal to the Wager of Battle in the year 1699, upon the acquittal of Spencer Cowper (brother of Lord Cowper), who was charged with the murder of Sarah Stout. Her heir at law moved to set the verdict aside, and after various solemn hearings the motion was allowed; but the proceedings were finally quashed in consequence of informality, and the law officers, disinclined to allow the first writ, refused to issue another; and the matter was thus quietly disposed of without a combat.

Strangely enough, we hear of the judicial duel in connection with the controversies which preceded and caused the American Revolution. The bill introduced into Parliament in 1774 for the improved "administration of justice in the Province of Massachusetts Bay," disallowed or abrogated the duel in cases of murder; and Dunning, Burke, and others, in their opposition to the measure, commented upon this clause of the bill with severity. The former was much displeased. "I rise," he said, "*to support the great pillar of the constitution, the appeal for murder; . . . . it is called a remnant of barbarism and Gothicism; the whole of our constitution, for aught I know, is Gothic.*" And remarked Burke: "*This is a part of a system of jurisprudence which ought to be viewed as a whole.*" The ministry allowed the obnoxious clause to be stricken out, with an understanding that the subject should be considered in a general law at an early day.

In 1818 we hear again of the judicial duel in England. William Ashford accused Abraham Thornton of the murder of his sister. Thornton threw down his glove, according to ancient custom, and claimed to disprove his innocence by combat. A case so remarkable in the nineteenth century attracted universal attention, and in due time it was carried before Lord Chief Justice Ellenborough, and the other judges of the highest tribunal of the realm, for decision. At the hearing, the judges were in their robes, the lawyers in their gowns and wigs. The court affirmed Thornton's right; but Ashford was a boy, and declined the challenge. The year following (1819) the WAGER OF BATTLE was abolished by an act of Parliament.

## CHAPTER II.

DUELLING. — ANTIQUITY. — FRANCE. — GREAT BRITAIN. — UNITED STATES. — SWEDEN. — GERMANY. — PRUSSIA. — NAPLES. — MALTA.

## DUELLING AMONG NATIONS OF ANTIQUITY.

IN the course of my reading I have often met the remark that duels were unknown in Greece and Rome, and, indeed, in any nation of antiquity. If a duel be "*a combat between two*," and if a duellist be "*a single combatant*," then the writers who make the statement are mistaken, since the practice of adjusting public and private quarrels by single combat has prevailed in every age and among every people.

The meeting between David and Goliath, as recorded in sacred history; the mortal strife between Jonathan and Pudeus, mentioned by Josephus; the many combats of Homer's heroes; the memorable combat between the three Horatii and the three Curiatii; the combats between Artebarus, the noble Roman, and the barbarian, and of Sloza with his antagonist, — were *all* duels; and show conclusively that duelling was *not* unknown to the Hebrews and to the people of the ancient republics. Among the Arabs traces of the custom are to be found as early as the middle of the seventh century, when Ali, son-in-law of Mohammed, and one of his successors, challenged Moawiyah "to appeal to the decision of God," and in a duel to end their disputes.

Duelling in Europe was introduced by the nations of the North, and soon became universal. But it is said that no instance occurred for the redress of private wrongs, or for the gratification of private hate, prior to the year 1528, and to the celebrated cartel of Francis the First of France to the Emperor Charles the Fifth. Such, however, is not the fact. Previous to this challenge duels were fought by individuals, and for causes not recognized or allowed under the system of judicial combat which formed a part of the jurisprudence of the time. That the course of the two monarchs gave a *sanction* to the duello, and that their example induced gentlemen of rank, upon affronts and injuries, to resort to the sword more than ever before, is undoubtedly true; and it may be admitted, also, that *modern* duelling, as far as it



relates to mortal combat upon a *mere point of honor*, dates from this period.

#### FRANCE.

Duels for private injuries became common after the cartel of defiance of Francis the First of France to his rival, the Emperor Charles the Fifth, in 1528. From that period every man of rank thought himself entitled to draw his sword for every affront which seemed to touch his honor. A look of disdain, a word of disrespect or slight, a haughty step, sufficed to provoke a challenge.

In 1547, Henry the Second gave permission to two noblemen, who had been intimate friends, and who became involved in a quarrel in a matter of gallantry, to adjust their difference in a duel, and in his presence. One of the nobles fell dangerously wounded, and the victor desired the king to accept the life of the vanquished at his hands. Henry complied, but the wounded and defeated noble, who was a great favorite of the monarch, died of shame and grief at his discomfiture soon afterwards. Henry was so deeply moved at the result of the affair, as to prohibit, with an oath, any further practice of the duel in his dominions, while he should occupy the throne.

Whatever the success of the edict for the moment, the sword was soon the universal arbiter. In the time of Henry the Fourth duelling was carried to an extent which appears actually incredible. No less than four thousand French gentlemen were slain in ten years, upon the very lowest computation ; and some writers state the number of victims at two thousand more. Paris swarmed with professed duellists, who gloried in their exploits, and counted up their killed with the same exultation that a sportsman counts his game. In fine, war itself could hardly have swept off more of the privileged classes than fell in private and frivolous quarrels. Beside the number slain, it is said that fourteen thousand who survived the combats in which they were engaged received the royal pardon, during the reign of Henry and his immediate successor. The combats were generally on Sunday morning ; and four, six, and ten young nobles would often engage on a side, and fight until most, seconds as well as principals, were mortally wounded or disabled ; and simply because a mistress had been offended, some obeisance had been forgotten, or some glance had been construed into contempt.

"All France went mad upon the duel." Attempts to suppress it were ineffectual. The edicts of popes, bishops, and of civil functionaries, were alike unheeded. At last, says Lord Herbert, the English ambassador, "there was scarcely any Frenchman, deemed worth looking on, who had not slain his man."

In time, the *fashion* changed and the mania abated; but France has maintained a reputation for personal combat until the present moment. During the political revolutions of the closing part of the last century duels were frequent. The remark is true of the political changes of 1830, and of those of subsequent dates. So, too, the sword and pistol, were freely used (1831) by those who assailed, and those who defended, the honor of the Duchesse de Berri.

Quarrels and hostile meetings between members of the legislative assembly, since 1849, have been numerous; while the fashionable young men of Paris have continued to fight about their mistresses with great bravery, and to the delight of their respective companions of the *café* and hotel.

A brief record of the measures to suppress duelling remains. The edict of Henry the Second has been mentioned. Henry the Fourth ordained punishments to all persons who should in any way be concerned, whether as principals or seconds, or as carriers of challenges or of provoking and offensive messages, or as spectators without endeavoring to prevent the effusion of blood; meting out confiscation of estate, loss or suspension of official employments, fines, imprisonment, degradation of rank, and even death, according to the guilt of each one who should engage in, or become witness of, the duel. Sully, his great minister, did not approve of this "excess of severity," and the measure failed, as he predicted it would; because of the "obstacles to its execution," and because of the many pardons which would be granted to persons of quality, "the example and hope of which affording sufficient encouragement to others to infringe the law."

Quite as unavailing were the edicts and efforts of Louis the Thirteenth, "though it was something to see a Montmorenci formally executed for fighting a duel." The ordinances of Louis the Fourteenth, in 1643, in 1651, and in 1670, were alike futile. But an edict of 1679, which created Courts of Honor with the marshals of France and the governors of provinces as supreme judges in differences between gentlemen; which prohibited private combats within and without the kingdom; and

which declared that "those who, *doubting of their own courage*, shall have called in the aid of seconds, thirds, or a greater number of persons, shall, besides the punishment of death and confiscation, be degraded from their nobility, and have their coat of arms publicly blackened and broken by the hangman," had a salutary effect, and, as is said, gave the first considerable and permanent check to the custom.

M. Dupin, the distinguished advocate, stated, considerably, a few years ago, that, in France, to kill another in single combat is murder; yet, says one who wrote in 1832, "duels are not severely punished by the present French code."

#### GREAT BRITAIN.

The Norman Conquest introduced the institution of chivalry. Under the feudal system, duelling became general. The barons and gentlemen of rank appealed to the sword to redress their real or imaginary wrongs, at pleasure, and almost with impunity. Nobles who could neither read nor write cared nothing for the tribunals of justice; and, fierce and ungovernable as they were ignorant, they indulged in animosities towards one another to an extent hardly now, in the progress of civilization, to be believed. In fine, the aristocracy, arrogant, turbulent, and powerful, not only assumed the right to avenge their own quarrels, but at times to determine the claims of rival aspirants to the throne by personal combat.

There seems to have been no change of moment until the reigns of Elizabeth and of her immediate successor. In truth, duels were more frequent at the succession of James the First, than at any former period. That monarch, however deficient in firmness of purpose, gave no countenance to the duello; and though he neglected to enforce the laws, his loquacity in his closet and his course with particular courtiers had some influence upon individual and the public sentiment. But the check was temporary. Towards the close of the reign of Anne (1711), "duelling," says Addison, "had become honorable, and the refusal to engage in it ignominious."

The first political or party challenge was given by the great Duke of Marlborough to Lord Paulet, in the year 1712. The precedent was disastrous. Messages and combats for words uttered in debate succeeded, and to a degree which spread alarm. After the meeting between Mr. Fullarton and Lord Shelburne,

in 1780, Sir James Lowther declared, in the House of Commons, that the "custom of fighting duels in consequence of parliamentary business, or of expressions dropped in either house, seemed growing into such a custom, that it was necessary for them to interpose their authority, before it acquired the force of a settled habit, otherwise there must be an end of all freedom of debate, and consequently of all business in Parliament." But members of both houses continued to meet with sword and pistol as before.

In Ireland, the period of the union with England was prolific in political duels. The debates upon that measure were personal beyond all example, and beyond all decency. And so, at one time, during the last century, a mania for duelling seized the Irish lawyers. "A duel was an indispensable diploma, quite essential to success at the bar, and sometimes leading even to the bench."

Details may be found elsewhere in these pages. It will suffice to remark here, that during the reign of George the Third (nearly sixty years), about one hundred and seventy duels are known to have been fought in the British Isles, or by British subjects who were absent in, or repaired to, other countries. Barrington numbers two hundred and twenty-seven "during his grand *climacteric*." Our English brethren are very careful to remind us of our sins in this behalf, and are constantly commenting upon the quarrels of our statesmen in Congress and elsewhere; forgetting, in their anxiety to reproach us, that the Dukes of York, Norfolk, Richmond, and Wellington, Lords Shelburne, Talbot, Lauderdale, Townshend, Camelford, Malden, Paget, Londonderry, Castlereagh, Belgrave, and Thurlow, and Fox, Pitt, Sheridan, Canning, Wyndham, Tierney, Hastings, Francis, Grattan, Curran, Burditt, and many other orators and statesmen, are among their own duellists.

The measures of the British government claim a passing notice. Queen Elizabeth attacked duelling by restricting fencing-schools. James, her successor, relied principally upon proclamations. Cromwell's Parliament, proceeding a step — on parchment, enacted a law. Charles the Second proclaimed that the *survivor* of a duel should not receive the royal pardon. And Queen Anne mentioned the "impious practice of duelling" in a speech from the throne. In 1719, or the following year, Sir Joseph Jekyll made an effort to procure efficient legislation, but was *opposed* in the House of Lords, and failed.

To kill in a duel has been a capital offence for centuries ; but, with two or three exceptions, the penalty has never been enforced.

In 1844, Mr. Turner moved a resolution in the House of Commons, in the hope of inducing the repeal of the existing enactments, which are practically obsolete, and substituting a provision that the survivor of a duel should be liable to pay the debts of a deceased antagonist. He was opposed by several members of influence, and the movement was unsuccessful. Sir Robert Peel, according to Wade, distrusted the efficacy of legislative changes, — relied rather on the state of public opinion, — and especially objected at that moment, in consequence of the recent formation of an association of distinguished naval and military officers to discountenance duelling ; while Sir Henry Hardinge would not disturb the statute-book, because, a few days previously, the articles of war had been amended in a manner to provide a remedy in the military arms of the service.

#### UNITED STATES.

Edward Doty and Edward Lester, two servingmen among the Puritans, were the first duellists in New England, and possibly in the United States, as will be seen by reference to the notice under their names. We hear little of duels at the North for a long period afterwards. There is a tradition, however, that Castle Island (now Fort Independence), in Boston harbor, was once celebrated as duelling-ground for “ the hot-headed sons of Old England.”

The public documents, the private correspondence, and the newspapers of the Revolutionary era, contain but few cases of challenge or actual combat in the Whig service ; while my personal inquiries of Loyalist officers in the service of the crown, who remembered almost every incident of the kind, lead me to the conclusion that duelling was not frequent during the war on either side. Nor do I find that the practice in the American army excited apprehension until the year 1799, when it was “ carried to an extreme in every point of view reprehensible and injurious,” and drew from the general second in rank an order or a letter, in which he said that, although it was not his intention to “ contravene military prejudices,” yet interposition to arrest the progress of the evil was not only proper, but a duty.

Early in the war with Tripoli, many of our officers became

involved in quarrels among themselves, and with officers of the British navy on service in the Mediterranean, and several fatal duels followed ; but Commodore Preble, who, with the third American squadron, succeeded Dale and Morris in that sea, put an end to these controversies, and not a single hostile meeting occurred while he was in command. But in 1819 officers of our flag, and British officers in garrison at Gibraltar, indulged in disputes and duels so freely, that the governor finally issued an order forbidding the ships of our navy to enter the port. The attention of the two governments was attracted to the subject ; and after several conferences between our Minister in London and Lords Castlereagh and Bathurst, and orders from the President to the American Commodore in the Mediterranean, harmony was restored.

These general remarks will suffice. The number and fatality of hostile meetings in the United States are to be deplored. These pages are filled with accounts which are disreputable to us as a people, and which may well cause us to hang our heads in utter shame. If the custom were principally confined to the new States, we might find some reason to hope that, in the rapid changes in American society, the evil would soon diminish, and in the end disappear ; but Arkansas and California, unfortunately, are not alone.

We pass, to notice the measures that have been attempted or adopted to suppress duelling. In Congress, as early as 1802, Mr. Gray of Virginia moved (in the House) to appoint a committee to inquire into the expediency of a law to disqualify any person from holding an office under the government of the United States, who should thereafter be concerned in a duel, or in sending or carrying a challenge ; but the House refused to consider the subject.

In 1806, however, an act was passed for the regulation of the army, which provides, that "no officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered ; if a non-commissioned officer or soldier, of suffering corporal punishment, at the discretion of a court-martial." In 1820, after the fall of Decatur, a resolution was submitted to the Committee on Military Affairs, with a design to provide by law a more effectual remedy to prevent duelling in the army and navy, and in the District of Columbia ; but the Committee reported, that the existing law, "*if executed*," was "amply suffi-

cient," and asked, therefore, to be discharged from further duty. In 1824, Mr. Wright of Ohio offered a resolution embracing substantially the objects of Mr. Gray's resolve in 1802; which, though referred to the Committee on the Judiciary, was hardly heard of afterwards. In the Senate, in 1831, Mr. Livingston attempted, by means of a *special* committee of that body, to call the attention of Congress to the subject of duelling in the District of Columbia, but without success. The fatal result of the meeting between Cilley and Graves, in 1838, induced renewed efforts to suppress the barbarous custom at the seat of government; and a bill "*to prohibit the giving or accepting, within the District of Columbia, a challenge to fight a duel, and for the punishment thereof,*" after protracted and violent opposition, became a law, February 20, 1839. In 1843, at the instance of Mr. Stratton, the Committee on Naval Affairs were instructed by the House "to inquire into the expediency of reporting a bill for the suppression of duelling in the navy"; but, as in the previous inquiries relative to that branch of the public service, to the army, and to the civil departments of the government, above mentioned, no legislation followed.

In turning to the individual States, we find that statute provisions against single combats exist in all of them. In some the punishment is death, in others imprisonment, in still others disqualification to hold office. Nay, more. The *Constitutions* of Maryland, Virginia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Texas, Iowa, Wisconsin, Michigan, Connecticut, Missouri, and California, contain stipulations on the subject which *seem* ample. The degree of respect paid to both statute and constitutional law, in many of the States of the Union, fully appears in these pages, and need not be discussed here.

#### SWEDEN.

My notes relate to the reign of Gustavus Adolphus exclusively. About the year 1627, when duelling had become an evil of alarming magnitude throughout Europe, the king determined to suppress it entirely in his dominions. He accordingly established a Court of Honor, composed of the principal officers of his army, to try such offences as usually, in the estimation of gentlemen, required an appeal to the duello; and ordained that the sending or the accepting of a challenge should be punished with death.

But military men were not content with the arrangement, and preferred, at every hazard, to redress their own wrongs ; and to some extent continued to do so. A memorable instance of this preference has been preserved. Two of his officers, who had served him long and faithfully, and who desired to fight, but were unwilling to displease him or incur the penalty of the edict, urged, in a petition to the throne, that in *their* case liberty for a duel might be granted. Gustavus consented. The two officers, attended by their friends, repaired to the appointed ground, where the king, with a body of troops, soon also appeared, and formed a circle around them. The combatants finished their preparations in the royal presence, took their places, and drew their weapons, when their attention was attracted to a personage within the ring, who, with a sabre, seemed ready to become a party to the combat: "Do not be surprised, gentlemen," said the king ; "according to the laws of your country, your lives are already forfeited. . . . . You will therefore take notice, that, the instant either of you falls by the sword of his antagonist, the executioner, whom you perceive yonder, has orders to strike off the head of the survivor." The officers, ashamed and confounded, fell at the feet of their sovereign and implored his forgiveness, which was granted, on the condition of their reconciliation, and a solemn engagement to obedience in the future.

The biographer of Gustavus adds, that he declared that he would on no other occasion forgive those who offended in like manner. "It is my wish," he said, "to have soldiers under my command, and not gladiators. If any man is desirous of freeing his character from the imputation of cowardice in the eyes of his fellow-countrymen, let him do so at the expense of the common enemy." All honor to the great king of Sweden ; but I derive an incident from another source, which affords proof that his course was governed by reasons of state alone ; since, in the height of his glory, we find him passing the frontier of his dominions for the sole purpose of "offering the satisfaction of a gentleman" to one of his own officers whom he had offended.

(See *Gustavus the Second* and *Colonel Seaton*.)

#### GERMANY.

In ancient times duels could be fought in Witzbourg, Uspach, and Halle, but nowhere else in the German dominions. Göttingen, in later days, has been famous for the combats between



students of its University. About the year 1816, especially, the number of duels became alarming, and rigid measures were adopted to suppress them. At present, the government of the empire seems disposed to perform its duty. In 1851 the survivor of a duel was compelled by the authorities to be present at the post-mortem examination of the body of his victim, and to pay strict attention to the proceedings of the surgeons.

#### PRUSSIA.

Charles Frederic was the determined foe of duelling, and exerted his power to suppress it. But he often lamented his failure.

His successor, in 1786, established a Court of Honor for the trial of personal differences, and ordained that the duellists should be subject to the following penalties : —

“ Any officer or gentleman striking his equal, in any manner whatsoever, to be declared infamous, and be confined in a fortress for life.

“ If the person who received the blow should happen to be the aggressor, by any sort of outrage, he shall be confined for three or six years, according to the aggravation of his offence ; and if an officer, he shall be struck off, besides the imprisonment. Persons sending or accepting a challenge, instead of applying to this Court, to be confined in a fortress for three or six years.

“ A duel taking place, and one of the parties being killed, the survivor to be considered as an assassin, and punished with death ; and if none of the parties should fall, both shall be imprisoned in a fortress for ten years, and even for life.

“ Persons laying hold of a weapon in a private quarrel, though making no use of it, to be confined for three years.

“ Any person threatening another with a duel, or some material injury, to be considered as a violator of the public peace, and confined for one or two years.

“ Any person flying his country, after fighting a duel, to forfeit his estate during his life, and his effigy to be stuck to the pillory.

“ Any person acting in a duel as second, to be punished with five years' imprisonment in a fortress ; and a life being lost, the confinement of the second to extend to ten years.

“ Any person abetting or enticing another to demand satisfaction by means of a duel, to be punished with one or several years' imprisonment. The same punishment to be inflicted on any one casting a reflection on, or showing a pointed disrespect for, a person applying to this Court. The offender, in this case, to be likewise deprived of his employments and titles of honor.

“ Any dispute attended with extraordinary circumstances, to be referred to the throne.”

These regulations had some influence in checking the evil for a time ; but in the lapse of a few years, duellists in Prussia were as numerous as elsewhere in Europe, and were as seldom punished. The penalty in that kingdom, in 1842, was imprisonment, except in "foul fighting," when it was death. That the laws upon the subject were *sometimes* enforced, appears from the fact, that, a few years previous (1828), a nobleman, who slew his antagonist, was deprived of all his honors, and that those concerned in the affair were committed to close prison.

## NAPLES.

The Neapolitans have been regarded as the best swordsmen in Europe. Perhaps they are so. They have unfaltering faith in the duello ; but, contenting themselves with inflicting a wound, or with merely drawing blood, their affairs of honor are seldom serious or terminate fatally.

## MALTA.

As late, certainly, as the year 1832, duelling was allowed by law. But the parties were required to meet in a certain designated street, and to put up their swords at the request or command of a woman, an ecclesiastic, or a knight. It was the custom to commemorate a death by duel by painting a cross on the wall opposite to the spot where the victim was slain. A traveler counted some twenty of these mementos.

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 CHAPTER III.

TOURNAMENT, OR MOCK DUEL.—JOUST.—CHAMPIONSHIP OF ENGLAND.—PRIZE FIGHT.—BOXING.

## TOURNAMENT, OR MOCK DUEL.

SOME writers are disposed to find the germ of the tournament in the public games and contests of Greece and Rome, while others, anxious to find no resemblance between it and any custom of antiquity, treat it as an institution purely Gothic, and as

belonging to the era of chivalry. Our first certain knowledge upon the subject is about the year 918, when we hear of "regulations" ordained by Henry the Fowler, king of Germany; and in 1066, when Geoffrey de Priuli collected the rules and customs of the tournament into a code; and from this period it was regulated by distinct laws. It was reserved by kings and queens originally to commemorate some important event, either in the royal family or in national affairs; but it soon became common among private gentlemen who were skilled in the use of the lance or sword. Heralds were sent throughout the land, and sometimes to foreign countries, to announce to all noblemen and ladies, that on a certain day, and near a certain castle or abbey, the king, or a body of knights, (as the case might be,) would hold a grand tournament, at which all brave knights and gallant gentlemen might appear and try their prowess. At first the weapons were blunt, and the contests commonly harmless; but sharp weapons were finally introduced, and combats occurred that hardly differed from the modern duel. The tournament prevailed in most of the countries of Europe, and no efforts were made to suppress it until a number of princes and other persons of distinction had either lost their lives or been seriously injured; when the Church and several monarchs issued their mandates of prohibition.

We have an account of a grand tournament exhibited by Philip of France, in the year 1344, which contains details of a serious nature. Among the nobles present were several who, in the difficulties with England, had taken part with Edward, and who, lured to the scene, were secured and put to death. The English monarch, in revenge, sent Philip a defiance to meet in personal combat, and made immediate and extensive preparations for renewing hostilities between the two countries.

In 1520, there was a famous pageant near the castle of Guisnes, in France, which continued some two weeks, and at which the kings and queens of France and England were present. The whole time was devoted to feats of arms and gay carousals. The monarchs themselves entered the lists, and, with their chosen knights, tilted with spears against all comers for six days; the tourney with the broadsword on horseback occupied two days more; and combats on foot at the barriers concluded the affair. Two unfortunate accidents put an end in France to an amusement which, as was pithily said, was "too much for a jest, and too little for earnest." In 1559, Henry the Second held a

tournament in honor of the marriage of his daughter Elizabeth to Philip, king of Spain, and entered the lists in person. After breaking the lances of several antagonists, he desired to run a tilt with a young officer of the Scottish guards (who became subsequently the Count Montgomery), and was mortally wounded in the encounter. From this period we date a decline; but the tournament was not entirely prohibited and abolished until the year 1605, when, at the last in the kingdom, Francis de Bassompierre, of the princely house of Cleves, was dangerously hurt by the lance of his antagonist, the Duke of Guise.

The tournament was introduced into England by the Normans, soon after the conquest. We hear of it in the reign of Stephen, as early as the year 1136; and we find that in 1215, immediately after King John had conceded to the barons at Runnymede the great charter of English liberties, a great tournament proposed to be held by the barons at Stamford, in commemoration of their triumph, was postponed in consequence of their distrust of the king's sincerity. But as Geoffrey, son of Henry the Second, was slain in a tilt at Paris, and as the Pope had formally and unconditionally prohibited all martial meetings of the kind under severe penalties, we hear little of the savage amusement until the reign of Richard the First. That monarch, while abroad in the Crusades, had observed that the French knights, in the management of the horse and the lance, were much superior to his own; and attributing the difference principally to the tournament, which prevailed in France, he determined to remove the inferiority by the same course of training. Tilts, under the royal sanction, soon became popular.

Five of the tournaments in the reign of Edward the Third are of sufficient interest to claim a passing notice. The first was in London in 1330, to commemorate the birth of Edward the Black Prince, with thirteen knights on a side; a temporary tower was erected for the accommodation of the queen and her ladies, but so slight and insecure as to break down, to the great terror of all present. No one was hurt; but the king, in a tempest of rage, vowed instant death to the careless workmen, but was appeased by the queen, who threw herself at his feet and implored his clemency. The next was in 1338, when the Earl of Derby, who had distinguished himself both at home and in the Holy Land, invited Sir Alexander Ramsay to meet him at Berwick with twenty knights and gentlemen, to tilt with an equal number of Englishmen. Ramsay accepted. The encounter

was without shields and with sharp spears; and two of the English and one of the Scotch knights were slain. The third was at Windsor, in 1344; and, to avoid distinction of rank, the king built a circular hall two hundred feet in diameter, where he feasted all the knights who attended at one table. The fourth was in honor of the wedding day of the Earl of Pembroke, who was accidentally killed; the Countess led a life of retirement ever afterwards, devoted her fortune to public and private charities, and founded Pembroke College. The last was at Smithfield in 1374, when Edward, having fallen in love with Alice Perrers, a married woman of great beauty, who had been a lady of the queen's bed-chamber, appeared with the adulteress by his side in a magnificent chariot, under the title of the "Lady of the Sun." It may not be amiss to add, that three years later, when the monarch was on his death-bed, he was forsaken by all, and that even Alice Perrers robbed him of his jewels and of the rings on his fingers, and abandoned him to his fate.

Richard the Second, towards the close of his reign, and probably the very year of his abdication (1399), after making proclamation throughout the realm, held a grand tournament at Windsor. Forty knights and forty squires, dressed in green, and bearing the device of the young queen, entered the lists and maintained her beauty against all comers. Isabella herself, attended by the highest-born dames and damsels of England, was present, and dispensed the prizes to the successful combatants.

Among the other courtly pageants at the coronation of Joanna of Navarre, queen of Henry the Fourth, in the year 1403, was a tournament, in which the Earl of Warwick appeared as champion of the royal bride, and "so notably and knightly behaved himself, as redounded to his noble fame and perpetual worship."

We find record of another celebrated tilt in the reign of Henry the Sixth, after his marriage with Margaret of Anjou, which was attended by throngs of princely knights and gallant men-at-arms, who wore garlands of daisies in the lists, in compliment to the Queen, who had selected this flower for her emblem. - Charles the Seventh, a kinsman, and Charles of Anjou, an uncle of Margaret, were among the distinguished personages who displayed their skill in the encounters on this occasion.

So again in the time of Edward the Fourth, in 1468, when the king gave his sister Margaret to the Duke of Burgundy, we have a wedding tourney, in which the Prince of Orange, with twenty knights and noblemen, met the same number under the

profligate Adolf of Cleves, and upon his challenge ; and in which the combats, though "with arms of courtesy," were so very fierce as to require interference, and the separation of the tilters by main force.

The most memorable tournament at the opening of the sixteenth century (1506) was that given by James the Fourth of Scotland in honor of a Moorish or black lady who had been captured in a Portuguese ship and carried to his court. The sable lady was introduced in a triumphal chariot, and gallant knights contended for the prizes which, by royal appointment, she was to adjudge. It is said, indeed, that all the arrangements were on a princely scale, and that, in answer to articles of defiance to the chivalry of the French court, to come over and "try conclusions" with the champions of the "black ladye," several valiant gentlemen appeared, and that one, Sir Anthony D'Aray, gained much distinction.

As differing from any of the preceding, I select the case of an individual tilter of the reign of Henry the Eighth. Henry Howard, Earl of Surrey, was not only an accomplished nobleman, but the best English poet of his time. While at Florence, on a tour of Europe, he published a challenge to all comers, whether Christians, Jews, Saracens, Turks, or Cannibals, that he would tilt in defence of his mistress ; and in a tournament instituted in consequence by the Grand Duke, he was victorious. Equally successful was the chivalrous poet at a tourney at home, in 1540, when the whole court assembled to witness his feats in arms.

The last in England which was attended by royal and noble foreigners, was in 1554, in honor of the nuptials of Mary, who distributed the prizes with her own hand. The chivalry of England, Spain, and Flanders were present, attired in their national costume. Two hundred spears were broken by the combatants, and many of the prizes were of curious device and of considerable value. The Queen's husband, Philip of Spain, entered the lists, and received the second prize "for the best armor and the most gallant entry." Sir George Howard, brother of the Queen Katharine Howard, and Thomas Percy, afterwards Earl of Northumberland, and Lord William Howard, the high-admiral, won very general commendation.

Our record of the ancient tourney will close with the mention of one in 1572, in the reign of Elizabeth. While the Queen was at supper, late at night, an old man entered the palace with

two damsels, and implored succor. In a moment, — by previous arrangement of course, — ten knights in white, led by the Earl of Essex, and ten in blue, under the Earl of Rutland, commenced a contest on horseback, with swords, which continued until morning, when the Queen, by the advice of the umpires, declared that the maidens were delivered, and put an end to the affair.

An attempt was made in England in 1839 to revive the tournament according to the forms of the Middle Ages. The task was undertaken by the Earl of Eglintoun; who made preparation for a grand exhibition at Eglintoun Castle; "but the unpropitious weather, with the obsolete style of the performances, rendered it a failure."

Much better success seems to have attended the recent movement in the United States. The first tourney of which I have any note was on the domain of the Carroll family, in Maryland, in 1849, when sixteen knights entered the field, among whom were several officers of the army. Lieutenant Rhett, a recent graduate of the Military Academy at West Point, was declared victor of the day, and selected Miss Poultney of Baltimore "Queen of Beauty." Three other knights won the privilege of choosing Maids of Honor, namely, Messrs. Charles Howard, William Key Howard, and Henry Scott, all of Maryland, who severally made choice of Misses Lydia Morris, Louisa Carroll, and Julia Howard.

There was another in Virginia, near Winchester, the same year. The number of persons present was large, and the performances were pronounced highly honorable to those who took part in them. Mr. O'Bannon, of Jefferson County, was the victor, and named Miss Bettie Taylor, of Maryland, as the "Queen of Love and Beauty." One of the knights wore a costume which was brought from the Dead Sea by Lieutenant Lynch.

In 1851 there was a third tournament, in South Carolina. Twenty-six knights, magnificently dressed, rode into the lists, at the sound of the trumpet, and saluted the ladies. The Knight of St. John won the first prize, and selected the Belle of St. John for the Queen. She was crowned with white roses.

In 1852 we note a fourth, which was exhibited near the Orkney Springs, Virginia. Mr. George B. Swift, who appeared as Richard Cœur de Lion, was victorious; and Miss Emily Moffit was crowned "Queen of Love and Beauty." There was still another in Virginia in 1853; which afforded great satisfaction to a numerous company.

From the accounts before me, I suppose that all of these tilts at the South differed in several essential particulars from the tournaments of olden time.

## JOUST, OR JUST.

This was a combat between two persons, and in this was unlike the tournament ; and it differed in the further particular, that, by agreement, it might be a mortal fight, or common duel. In a joust to the death, the knights generally belonged to different countries ; in that of courtesy, they met at the close of a tourney, though sometimes at a place specially designated for the purpose.

Two instances of the latter form will answer the purpose intended by these notes.

In honor of the coronation of the queen of Edward the Fourth of England, in 1465, a challenge for a joust of courtesy was sent by Sir Anthony Woodville, her Majesty's brother, to the Count de la Roche, the most renowned champion in Europe. The Count accepted the invitation, but failed to appear. Two years afterwards, however, the knights met in England, and Woodville vanquished the French noble.

The most celebrated joust of the sixteenth century was, I suppose, in 1590, between David Lindesay, Earl of Crawford, and the Lord Wells, ambassador of Richard the Second to the court of Scotland. Richard, by letter of Privy Seal, gave "safe-conduct for David de Lindesay, knight, for the duel to be fought with John de Welles," with his retinue of twenty-nine persons in armor, and twelve other knights, with their esquires, varlets, and pages. The combat was on London Bridge, on horseback, with square ground spears. The king, the nobles, and a vast throng, were spectators. At the signal, the jousts "rushed hastily together with a mighty force," and splintered their weapons. At the second encounter, the spears were again shattered. At the third, the English knight was dismounted, and fell breathless to the ground, amid the cry of the multitude that he was killed. Lindesay, proclaimed victor, suddenly leaped from his horse, and, casting himself upon the neck of his antagonist, tenderly embraced him until he revived, and the surgeon came to attend him.

Among the distinguished jousts of a later period, Sir Philip Sidney, an accomplished writer and statesman of Queen Eliza-



beth's time, deserves respectful mention. The joust was assailed by vigorous pens, even in the reign of Henry the Eighth; the "Lyon king at arms" of the Court of James the Fifth of Scotland, in a satirical poem entitled "The Justing between James Watson and John Barbour"; and an English writer in an essay ridiculed the splendid solemnities and unnecessary bloodshed of the joust and the tourney, and with effect upon the public mind.

#### CHAMPIONSHIP OF ENGLAND.

The crown of England is, in theory at least, put in issue by appeal to the Judicial Duel, or Wager of Battle, at every demise of the sovereign. The custom was introduced by William the Conqueror. At the coronation of himself and his queen, in the year 1068, a cavalier completely armed rode into the hall, and, interrupting the festivities, uttered this challenge three times:—

*"If any person denies that our most gracious sovereign, Lord William, and his spouse Matilda, are not king and queen of England, he is a false-hearted traitor and a liar; and here I, as champion, do challenge him to single combat."*

This challenge has been continued to the present day. Omitting notice of the coronation of William the Second, of the Henrys, of Stephen and John, the Richards, the Edwards, and of Mary, the first that claims particular attention is that of Elizabeth, in 1559, when the champion, Sir Edward Dymock, cast down his gauntlet, and offered to defend the

*"Most high and mighty princess, our dread sovereign, Lady Elizabeth, by the grace of God Queen of England, France, Ireland, defender of the true, ancient, and Catholic faith, most worthy empress from the Orcade Isles to the Mountains Pyrenees."*

The words in italics are singular, inasmuch as the Bishop of Carlisle was the only bishop who would consent to crown her, because she had declared *against* the "Catholic faith," and had become a Protestant or heretic. This was an era in the Church.

We pass to a change in the state, and in the royal family. A curious incident, according to tradition, occurred at the coronation of William and Mary, in 1689.

The substance of the story is, that after Sir Charles Dymock had thrown his gauntlet, and pronounced his defiance in the name of "our sovereign lord and lady," an unknown female

stepped from the crowd and lifted the glove, dropped her gage, with a paper containing an acceptance of the challenge in behalf of a champion of rank and birth, who, if fair field were allowed, would appear in Hyde Park to defend the rights of another claimant to the throne; and further, that at the time appointed a stalwart man repaired to the Park, and paced the ground for some hours as if expecting an antagonist. The legend is used in "Redgauntlet," but Sir Walter Scott relates it as having happened at the coronation of George the Third, or at a time when the cause of the Stuarts was hopeless.

At the coronation of George the Fourth, in 1821, Mr. Dymock entered Westminster Abbey on horseback, during the royal banquet, and said : —

"If any person shall deny that [his Majesty, &c., &c.] is heir to the imperial crown of this United Kingdom, or that he ought not to enjoy the same, here is his champion; who saith he lieth, and is a false traitor, being ready in person to combat with him, and in this quarrel will adventure his life against him on what day soever he shall appoint."

The championship is hereditary in the family of Dymock. The official champion at the coronation of William the Fourth being in holy orders, a debate arose in the courts, whether the challenge could be given by deputy. The decision finally was, that the clergyman's eldest son might be allowed to appear as his father's representative.

#### PRIZE FIGHTS.

The term "*barbarous ages*" falls flippantly from our tongues. As we read of the strange filial piety of the Brutus who introduced the gladiatorial fight to solemnize the funeral of his father, we are amazed; as we reflect upon the custom, even while the combatants were prisoners of war, and domestic slaves, and convicts, who used neither sword nor buckler, we denounce it as brutal; as we pursue its history, and find free citizens of Rome fighting from inclination or for pay, and the greatest of the Cæsars personally arranging a show in which three hundred pairs of gladiators were to be let loose upon one another to maim and slay, that he might win the plaudits of the people; as we find the combat reduced to a science with professors to teach the wounded to fall in the most graceful postures, and to die in the finest attitudes; as at last we conclude the

record with the knowledge that hundreds, probably thousands, of victims were annually slaughtered in the great cities of the empire, merely to gratify the spectators of the amphitheatres,— we are shocked, and, forgetting his many crimes, eulogize the emperor whose edict stayed the desolating amusement.

But why deplore the past to the neglect of the present? Why speak of Roman gladiators, or of the gymnastic combats of other ancient republics, when the same “barbarous” custom exists among ourselves, and among the people from whom we proudly claim descent?

There died in England, in the last century, a gladiator by profession, who had visited the principal parts of Europe, and had fought at home and abroad no less than three hundred and fifty times “with honor and applause.” Nay, in the year 1825, the son of an English earl and the nephew of a British marquis, plied with brandy “between the rounds,” and, cheered on by other noble youths, shamed the plebeian pugilists of the realm—who are generally content to maim and disfigure—by a contest with their noble fists, which ended only at the fall and death of one of them.

In the United States, prize fights are by no means rare. A year has barely elapsed since one which would have disgraced Rome, at the worst period of her history, occurred near the boundary between Massachusetts and New York; the gathered mass of human beings overawed the inhabitants, indulged in every excess, and retired sated with every abomination.

In some parts of the country, the prize-fighter or modern gladiator is hailed as a hero; the newspapers contain his biography, his portrait, and a description of his person and proportions, and wondering thousands read and comment upon the account of the “rounds” and “hits,” the wounds and bruises, the amount of strength exhausted, and the quantity of “claret” lost during his latest fight. In fine, we may spare declamation about the “barbarous ages,” until the magistrates, high and low, have courage to execute the laws, and the “barbarous” customs of duelling and boxing cease among ourselves.

## CHAPTER IV.

CHALLENGES AND DUELS OF KINGS, GENERALS, NAVAL COMMANDERS, AND KNIGHTS. — DUELLING IN THE CHURCH ; — AMONG AUTHORS, ARTISTS, AND WOMEN.

## KINGS, GENERALS, AND NAVAL OFFICERS.

SOVEREIGNS, heroes, the commanders of fleets and armies, have frequently offered to decide personal or national differences by duel.

Several instances occur prior to the Christian era. Thus, whatever were the motives of David, the challenge on Goliath's part, according to Josephus, was to "determine the war" between the Hebrews and the Philistines. In poetry, we have the duel between Menelaus and Paris, two of Homer's heroes, who, by consent of the adverse kings, and in behalf of their respective armies, were to decide the war. In returning to history, we have the cartel of Cyrus to the king of Assyria ; that of Pittacus to Phyrmon ; and that of Antony to Cæsar.

In later times, we have the challenges of William the Conqueror to King Harold, before the decisive battle of Hastings, and of Philip of France to Richard the First of England ; the combat by champions arranged between John of England and Philip of France ; and the cartels of defiance of Richard the Second and of Edward the Third of England, to the French monarchs with whom they had private and national disputes. So, again, we find that Ferdinand of Spain sent a herald to the camp of Alfonso, king of Portugal, to defy him to a fair field of fight with his whole army, or, declining that, to invite him to decide their differences by personal combat. In Scottish history we have the message of Haco, king of Norway, to Alexander the Third ; of Bothwell to his adversaries generally ; and, previous to the calamitous battle of Flodden, the overture to settle the fate of contending parties without a conflict between the armies. In naval warfare, the challenge of Marshal Boucicault to Carlo Zeno, the commander of the fleet of Venice, at the commencement of the fifteenth century, and the proposition of our own Decatur, in the war of 1812, are examples of chivalry worthy of mention. And, last, the manifesto of Paul of Russia,

inviting the sovereigns of Europe to settle their quarrels by duel at St. Petersburg, with their ministers, Pitt, Bernstoff, and Talleyrand, as seconds, — which, though conceived by a madman, deserves serious thought; for there is something grand, even just, in the idea of demanding kings and cabinets to meet in person, and in the field, the questions which can be, and ought to be, adjusted in council and by diplomacy.

#### KNIGHTS: THEIR FEATS AND ENCOUNTERS.

Kighthood is to be traced to Greece, and to the period when men of rank and wealth served in war, on horseback, at their private expense.

In Europe generally, under the feudal system, the era of chivalry was one of giants and enchanters, of dragons and spells, of forlorn damsels and wonderful rescues, and of a thousand other marvels. Kighthood was designed to “direct and control the torrent of unprincipled courage and military violence”; but whatever it may have accomplished in this respect, it certainly increased the practice of duelling, and “sowed the first seeds of that fantastic honor, the bitterness of whose fruits is still manifest in the modern duel.” The young knight went forth without a quarrel, but with the determined purpose of provoking one, and seldom failed; while such was the refinement of the code established for knightly bearing and demeanor, that visits of courtesy at the different courts often terminated in affairs of honor, of which sovereigns and courtiers were spectators. At times, not content with single combats, as many as ten, twenty, and even thirty knights would enter the lists on a side, and fight to the maiming or death of several of their number, upon a challenge or boast that the reigning beauty of a certain neighborhood was *the* beauty of a kingdom or province. In a word, every young man of rank was trained to consider military fame and personal valor as paramount to religion, justice, and humanity, and to be the great prizes of human life.

#### DUELLING IN THE CHURCH.

Among the Germans, the Danes, and the Franks, the clergy were compelled to maintain their controversies by the judicial duel, though the liberty of appearing in the lists by champion was allowed them. In the eleventh century, we are informed

that, in a dispute relative to two Liturgies, two knights, clad in complete armor, were selected as critics to determine, in single combat, the true from the false form of public prayer. By a statute of William the Conqueror, the inferior orders of ecclesiastics in England were forbidden an appeal to the duel, without the consent of their bishop; but questions concerning the property of churches and monasteries were decided, and the priests accompanied their champions to bless their weapons, on the field, there, as elsewhere in Europe, for a long period. In the fourteenth century, we hear of one poem in which Pilate is represented as challenging our Saviour to a duel, and of another in which the person who pierced the side of Christ on the cross is described as a knight with whom he had jousted. Still later, we hear of challenges given and accepted by officiating priests at the altar; of archbishops clattering in armor; of gauntlets of defiance hung up in churches; and of men in holy orders who fought in quarrels which others refused to espouse. Such, in general terms, was the condition of the Church for hundreds of years; and as far down as Shakespeare's time the duel arranged by the bard, in the *Merry Wives of Windsor*, between a Welsh parson and a French physician, serves to remind us that men in gown and surplice continued to use the sword until the accession of Queen Elizabeth. Indeed, Walpole, in 1758, speaks of a reverend doctor of divinity who indulged in profane swearing, and who endeavored to intimidate a person whom he feared would give publicity to the fact, by the threat that he had a kinsman in the army who would call him to an account; which incident, as well as the notices of the duels actually fought by Murat, Allen, Bate, and others, who were either students of theology or ordained clergymen, affords us evidence that duelling in the Church did not disappear on the Continent or in England until near the close of the last century.

## DUELS OF WRITERS AND ARTISTS.

Two or three centuries ago, quarrels which commenced with pens often ended with poniards. There was a class of writers who enjoyed the reputation of "fighting authors," who drew the sword on the reviewer that condemned a play, who offered to fight any of the audience that hissed, who began a work by challenging the critics, and who were in perpetual difficulty with somebody. The duels between Scott and Christie, Jeffrey and

Moore, Lamartine and Pepe, Blanc and Lacombe, Angier and Moncelet, and between the Baron Gourgaud and the Count Segur, in our own day, show that the custom has not entirely passed away.

Among musicians, we have the affairs of Handel with Mathe-son, and of Ole Bull with a fellow-artist. Painters seem to have been as prone to quarrels as other men of like nice sensibilities, but have seldom, I conclude, resorted to the field. The inimitable Hogarth had a host of enemies, but he disposed of them all with his brush. Traduced by Wilkes, in the *North Briton*, he painted the demagogue's portrait, and showed up with terrible effect his personal and moral deformities; embroiled with Pope, he drew a picture of the poet standing on a scaffold, employed as a whitewasher, with Lord Burlington as a fellow-laborer and Lord Chandos besprinkled in passing by; angry with Churchill, he appeared on canvas in the character of a bear; and displeased with the course of the statesmen Pitt and Temple, both were scourged by his unrelenting and awful pencil.

#### DUELLING AMONG FEMALES.

As the Helen of Homer was the chief cause of the Trojan war, and of consequence responsible for the duels between its heroes, — as the Roman maids and matrons went in throngs to witness the fights of the gladiators, — as the women of Greece were competitors for the prize in the Olympic games, — as the Turkish ladies crowded upon the ramparts of Regal to witness the combats between Smith and their own champions, — as the wives and daughters of Denmark were once compelled by custom personally to avenge their wrongs, and fight, according to prescribed rules, those of the other sex who attempted to assail their honor, — as the high-born dames and maidens of all Europe, in the ages of chivalry, instigated and honored the tournament and the joust, — so have the women of France, and England, and America, given countenance to the modern duel.

In the time of Henry the Fourth of France, relates Lord Herbert, the English ambassador, the ladies of the French court, at a mask under the auspices of the queen, invited the attentions of a duellist who had slain eight or nine adversaries, and each one of them, anxious to enjoy his society, would not allow any particular lady to engross more than a certain share of his time. And in the reign of another Bourbon, we are told

of countesses contending with pistols for the possession of a courtier whose amours and affairs of honor were so numerous as to excite our astonishment.

In England, Elizabeth created Mary, the high-toned wife of Sir Hugh Cholmondely, a knight; and she was known throughout the realm as "The Bold Lady of Cheshire." The queen herself possessed a most chivalrous spirit. When the negotiations for a matrimonial alliance between her and the Archduke Charles were finally broken off, by his marriage to a princess of Austria, the imperial daughter of Henry is said to have exclaimed, that, "So great an insult had been offered to her, that, if she were a man instead of a woman, she would have defied him to single combat!" These illustrations will suffice, since others will be found under the heads of Polignac, of Moussin, of Shrewsbury, and of Hall; and the boast of Lola Montes, in 1846, that she was a "better shot" than her lover, and would have fought his antagonist, appears in the notice of the affair between Dujarier and Bouvallen.

## CHAPTER V.

### WEAPONS AND RULES.

THE challenged party, it may be assumed, has always selected the place, distance, time, and weapons, and has thus, by a choice designed to be least dangerous to himself, and most hazardous to his opponent, possessed an advantage. The assistance of seconds, both in the preliminary arrangements and on the ground, was probably unknown, or at least uncommon, under the Judicial Duel or Wager of Battle. The practice of seconds fighting one another in behalf of their principals, once frequent in some countries, has now nearly disappeared. Duels on horseback, which a century ago were not unusual, are rare at the present time. The challenging by glove was formerly universal, and in the history of that article of dress, its use, to throw at the feet of an offender as a defiance, is stated with some minuteness. Heavy swords, axes, and spears or lances, with bucklers, were used by the ancient duellists, whether mounted or on foot. The rapier



succeeded ; and, having been approved in Continental Europe, was introduced into England in the year 1588, and, as it would seem, by a personage of the name of Rowland Yorke, who is called a "desperate traitor" for the innovation. Sir Walter Scott cites from the "Two Angry Women of Abington," a comedy printed in 1599, a pathetic complaint upon the subject : —

"Sword and buckler fight begins to grow out of use. I am sorry for it. I shall never see good manhood again. If it be once gone, this poking fight of rapier and dagger will come up, then a tall man, and a good sword and buckler man, will be spitted like a cat or rabbit."

The pistol followed the rapier, and has become the favorite weapon ; though the sword is still in fashion in France, and the gun and rifle are occasionally selected in the United States.

I am not aware that American duellists have ever adopted a written code, or that the rules among them are entirely uniform. Certain points, however, are well established. I suppose, for example, that, in a duel upon a mere question of honor, an exchange of shots, whether with or without effect, is sufficient ; while a combat for positive wrong or deep injury may be, and ordinarily should be, continued until the aggressor offers satisfactory explanation or apology, or until the fall or disability of one of the parties.

Again, it seems to be well settled that the challenged, in the matters of weapon, time, and distance, shall be governed by usage between gentlemen ; and that propositions to sit across a cask of powder, to jump from a precipice or a building, to meet at midnight, at a lone or distant spot, without friends or surgeons, may be rejected by the challenger.

Sir Jonah Barrington, in the "Personal Sketches of his Own Times," gives part of a code of laws for the government of duellists, as ordained at Clonmel Summer Assizes, 1777, by the gentlemen delegates of Tipperary, Galway, Mayo, Sligo, and Roscommon, and prescribed for general adoption throughout Ireland. And he observes, that "these Rules brought the whole business of duelling to a focus, and have been much acted upon down to the present day." They were called in Galway "the thirty-six commandments."

I insert twenty-five of these curious "commandments," with two "Additional Galway Articles," for the eye of those who cannot consult his work. It will be seen that some are still

partially observed, by both principals and seconds, in our own day.

“ RULE 1.

“ The first offence requires the first apology, though the retort may have been more offensive than the insult. Example: A tells B he is impertinent, &c.; B retorts that he lies; yet A must make the first apology, because he gave the first offence, and then (after one fire) B may explain away the retort by subsequent apology.

“ RULE 2.

“ But if the parties would rather fight on, then, after two shots each (but in no case before), B may explain first, and A apologizes afterwards.

“ N. B. The above rules apply to all cases of offences in retort not of a stronger class than the example.

“ RULE 3.

“ If a doubt exists who gave the first offence, the decision rests with the seconds; if they will not decide, or cannot agree, the matter must proceed to two shots, or to a hit if the challenger require it.

“ RULE 4.

“ When the *lie direct* is the first offence, the aggressor must either beg pardon in express terms, exchange two shots previous to an apology, or three shots followed up by explanation, or fire on till a severe hit be received by one party or the other.

“ RULE 5.

“ As a blow is strictly prohibited under any circumstances amongst gentlemen, no verbal apology can be received for such an insult. The alternatives, therefore, are,— the offender handing a cane to the injured party, to be used on his own back, at the same time begging pardon; firing on until one or both is disabled; or exchanging three shots and then asking pardon *without* the proffer of the cane. If swords are used, the parties engage till one is well blooded, disabled, or disarmed; or until, after receiving a wound, and blood being drawn, the aggressor asks pardon.

“ N. B. A *disarm* is considered the same as a *disable*. The disarmer may (strictly) break his adversary's sword, but if it be the challenger who is disarmed it is considered as ungenerous to do so. In case the challenged be disarmed and refuses to ask pardon or atone, he must not be *killed*, as formerly; but the challenger may lay his own sword on the aggressor's shoulder, then break the aggressor's sword, and say, “ I spare your life ! ” The challenged can never revive that quarrel,— the challenger may.

## " RULE 6.

" If A gives B the lie, and B retorts by a blow (being the two greatest offences) no reconciliation *can* take place till after two discharges each, or a severe hit; *after* which B may ask A's pardon for the blow, and then A may explain simply for the lie, because a blow is *never* allowable, and the offence of the lie therefore merges in it. (See preceding rule.)

" N. B. Challenges for undivulged causes may be reconciled on the ground, after one shot. An explanation or the slightest hit should be sufficient in such cases, because no personal offence transpired.

## " RULE 7.

" But no apology can be received, in any case, after the parties have actually taken their ground, without exchange of fires.

## " RULE 8.

" In the above case, no challenger is obliged to divulge his cause of challenge (if private) unless required by the challenged so to do *before* the meeting.

## " RULE 9.

" All imputations of cheating at play, races, &c. to be considered equivalent to a blow, but may be reconciled after one shot, on admitting their falsehood and begging pardon publicly. ●

## " RULE 10.

" Any insult to a lady under a gentleman's care or protection to be considered as, by one degree, a greater offence than if given to the gentleman personally, and to be regulated accordingly.

## " RULE 11.

" Offences originating or accruing from the support of ladies' reputations to be considered as less unjustifiable than any others of the same class, and as admitting of slighter apologies by the aggressor. This to be determined by the circumstances of the case, but *always* favorably to the lady.

## " RULE 12.

" In simple unpremeditated *rencontres* with the small-sword, or *couteau-de-chasse*, the rule is, first draw, first sheathe, unless blood be drawn; then both sheathe and proceed to investigate.

## " RULE 13.

" No dumb-shooting or firing in the air admissible *in any case*. The challenger ought not to have challenged without receiving offence, and the challenged ought, if he gave offence, to have made an apology before he came on the ground; therefore *children's play* must be dishonorable on one side or the other, and is accordingly prohibited.

## " RULE 14.

Seconds to be of equal rank in society with the principals they attend, inasmuch as a second may either choose or chance to become a principal, and equality is indispensable.

## " RULE 15.

" Challenges are never to be delivered at night, unless the party to be challenged intend leaving the place of offence before morning; for it is desirable to avoid all hot-headed proceedings.

## " RULE 16.

" The challenged has the right to choose his own weapon, unless the challenger gives his honor he is no swordsman; after which, however, he cannot decline any *second* species of weapon proposed by the challenged.

## " RULE 17.

" The challenged chooses the ground; the challenger chooses his distance; the seconds fix the time and terms of firing.

## " RULE 18.

" The seconds load in presence of each other, unless they give their mutual honors that they have charged smooth and single, which should be held sufficient.

## " RULE 19.

" Firing may be regulated, first, by signal; secondly, by word of command; or thirdly, at pleasure,—as may be agreeable to the parties. In the latter case, the parties may fire at their reasonable leisure, but *second presents* and *rests* are strictly prohibited.

## " RULE 20.

" In all cases a misfire is equivalent to a shot, and a *snap* or a *non-cock* is to be considered as a misfire.

## " RULE 21.

" Seconds are bound to attempt a reconciliation *before* the meeting takes place, or *after* sufficient firing or hits, as specified.

## " RULE 22.

" Any wound sufficient to agitate the nerves and necessarily make the hand shake, must end the business for *that* day.

## " RULE 23.

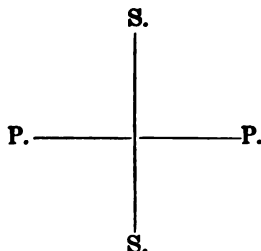
" If the cause of meeting be of such a nature that no apology or explanation can or will be received, the challenged takes his ground, and calls on the challenger to proceed as he chooses. In such cases, firing at pleasure is the usual practice, but may be varied by agreement.

## "RULE 24.

"In slight cases, the second hands his principal but one pistol; but in gross cases two, holding another case ready charged in reserve.

## "RULE 25.

"Where seconds disagree, and resolve to exchange shots themselves, it must be at the same time and at right angles with their principals, thus:—



If with swords, side by side, with five paces interval.

"N. B. All matters and doubts not herein mentioned will be explained and cleared up by application to the Committee, who meet alternately at Clonmel and Galway, at the Quarter Sessions, for that purpose.

"CROW RYAN, *President*.  
 JAMES KEOGH, } *Secretaries.*  
 AMBY BODKIN, }

*Additional Galway Articles.*

## "RULE 1.

"No party can be allowed to bend his knee or cover his side with his left hand; but may present at any level from the hip to the eye.

## "RULE 2.

"None can either advance or retreat if the ground be measured. If no ground be measured, either party may advance at his pleasure, even to touch muzzle; but neither can advance on his adversary after the fire, unless the adversary steps forward on him.

"N. B. The seconds on both sides stand responsible for this last rule being *strictly* observed, bad cases having occurred from neglecting of it."

## CHAPTER VI.

## TRIVIAL CAUSES OF DUELS.—DISGRACEFUL AND RIDICULOUS DUELS.

## TRIVIAL CAUSES OF DUELS.

WHOEVER considers the trivial disputes that have ended in hostile meetings between gentlemen, will recall the story told of a Neapolitan nobleman, who fought fourteen duels to prove that Dante was a greater poet than Ariosto, and who, on his death-bed, admitted to his confessor that he had never read the works of either. These pages contain details that, were not life and death involved, would excite ridicule and contempt.

Thus, a French knight cried aloud that his mistress was more beautiful than any Englishwoman, and was slain by an Englishman for the speech:—two French nobles could not agree whether a certain letter on some embroidery was an X, or a Y, and so got up a duel of six against six, to determine their difference:—one marquis owed another marquis the sum of fifteen shillings, and settled the score with his sword:—a royal duke, curious to see the features of a lady at a masked ball, lifted the disguise from the fair one's face, and atoned for the act by a combat with another royal duke:—two men of fashion who entertained a passion for a married lady who cared for neither, fought because one crushed the card of the other in her presence:—a member of Parliament was called "*a Jacobite*," and lost his life "in satisfaction" for the affront:—a great statesman, whose father was a manufacturer, was pertly spoken of as "the son of a cotton-jenny," and should have smiled at the wit of his lawless accuser, but, though despising him, acknowledged equality by sending a challenge:—a lovely and accomplished wife became a widow and a maniac, because her husband, in conversation with a brother officer, defended our countrymen from the charge of cowardice in the war of the Revolution:—an English gentleman of noble family, and heir to a dukedom, met a man in mortal strife whom he had never so much as seen or heard of, merely because he had "a call":—a nobleman and a member of the House of Commons "tried conclusions" with pistols, because the horse of the former, on coronation-day, approached the royal presence tail-foremost, and the latter made sport of the

circumstance in the columns of a newspaper : — a brother, solicitous for the honor of a sister who boarded at a house in which a man lived in open adultery with the wife of another, was killed for his “ impertinent interference ” : — a nobleman addressed an intimate friend by a nickname, — as he had done for years, — gave offence, was called out, and slain : — a gentleman, as was “ imagined,” cast an “ impertinent look ” towards one of his associates in a ball-room, and satisfied the ideal wrong with his life : — an earl and an officer in the army fought about debt incurred at the gaming-table : — two barristers met who had never spoken in their lives, the challenged party accepting the call solely because public sentiment would not allow him to decline without disgrace : — two persons, who at the bar and elsewhere obtained enviable distinction, engaged in a duel upon the issue, whether “ Ireland was a nation easily roused and easily appeased ” : — a celebrated traveller who listened to, and endeavored to reconcile, a quarrel between two strangers whom he accidentally met, relieved himself from difficulty only by measuring swords with one of them : — a member of a city government, offended with a public speaker who said the corporation was “ a beggarly corporation,” would not listen to explanation, insisted upon a meeting, was gratified, and was a victim to his sensibility : — two statesmen, who subsequently became prime-ministers, placed themselves on the roll of duellists for a cause which, in the judgment of their friends, involved the honor of neither, and which exposed both to censure : — the *manner* of saying, “ *Yes, I do,*” in answer to a question, was the sole offence which cost one officer his life in a duel, and the survivor *his* life upon a gallows : — a gallant marquis challenged a noble earl for general but disrespectful mention of his country : — a naval officer who captured an enemy’s fleet met one who had served under him, “ entirely,” he said, “ as an atonement for the violated rules of the service ” : — a witness in a court of justice gave testimony which offended a party in interest, and was slain on the “ field of honor ” : — the dog of an officer of rank who was the pride of the army, and the dog of a captain in the navy who had proved his courage in many hard-fought battles, snarled and growled, and so the two gentlemen, to settle the quarrel between their curs, quarrelled themselves, and would not be appeased until one of them fell by the hand of the other : — a gentleman remarked that “ he believed ” an associate had “ a personal pique against him,” was challenged, and slew his adversary : — two military

men engaged in mortal combat, because a third person thought he could recall some "light words" which one of them had spoken against his fellow:—and last of all, and more absurd than all, an aid of the illustrious Commander-in-chief challenged and fought the general second in rank in the army of the Revolution, upon no difference of his own, but simply—solely—to prove to the generation to which they belonged, and to posterity, that Washington as an officer was equal to the station which he filled, and as a private gentleman was entitled to consideration and respect!

## DISGRACEFUL AND RIDICULOUS DUELS.

An agreement to fight to the death, and a challenge from a father to a son, or the converse, were denounced three centuries ago, as disgraceful to knighthood. To fight with one loaded and one empty pistol, at one pace distance, the parties drawing lots for a choice between the weapons; to kiss the lips of a person mortally ill of an infectious disease, instead of meeting death in the field; to fight naked, or in the lower garments only; to fight when principals, or seconds, or both, are drunk; to curse and swear on the ground, or taunt an antagonist with illegitimacy, or domestic or pecuniary misfortune; to fight with pistols overlapping each other; to prepare a sumptuous feast, and invite friends far and near to partake of it, at the close of a combat in which it has been resolved that the adverse party shall be slain; to fight in utter darkness, whether in the open air, or in a room, or with lamps or lanterns; to purposely meet in a lone spot, where it is known that no assistance can be obtained; to reject the opinion of friends to whom an affair has been intrusted; to insist upon fighting after the aggressor has made usual, and in the judgment of seconds satisfactory atonement,—are all practices equally disgraceful to knighthood, and, though discountenanced by true gentlemen, are not wholly unknown in modern duelling.

On the other hand, we have duels which excite a smile; as, for example, that between Sir Jonah Barrington and Richard Daly, and that between Somerset Butler and Peter Burrowes. Nor are mock-combats at the present day of rare occurrence, either in the British Isles or in America. It was stated by a member of Parliament, at a vast assemblage of the friends of peace, in 1853, that, from facts in his possession, he had not the least reason to doubt that the "practice had become common"



for the seconds to load the pistols of the principals with an article which deceives the eye, but which, when the ram-rod is used, is pressed to pieces and into a sort of dust. Perhaps the honorable member, in employing the term "common," overstated the exact truth, but there cannot be a doubt, that friends *sometimes* solemnly arrange for bloodless contests. Omitting details, and the mention of particular cases, I will barely add, that several well-authenticated accounts are before me, and that one instance — ridiculous to the last degree — occurred under my own personal observation, between a British officer and a gentleman who is now in holy orders.

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## CHAPTER VII.

### OPINIONS OF EMINENT MEN.—PUBLIC SENTIMENT.

#### OPINIONS OF EMINENT MEN.

DUELLING is not without its advocates, both on the ground of expediency and of right. But it is to be remarked, that very many men of distinguished consideration utter their approval in terms of qualification and with conditions. Addison and Steele were, I think, personally opposed to the custom, and most readers of the *Spectator* and *Tatler* will agree with me in the conclusion; but yet, in a joint essay in the latter paper, they state that, as the practice had "become a law," they did not "know how a gentleman could avoid a duel, if he were provoked to it." Oglethorpe, the founder of the State of Georgia, and a military officer of great merit, in reply to a question upon the subject, said, "Undoubtedly a man has a right to defend his honor": but we find that he was slow to take offence, and that, during a long life of public service, no occasion occurred which required him "to defend *his* honor." Adam Ferguson, Professor of Morals in the University of Edinburgh, allows that a duel may be innocently fought in certain cases, but calls them "exceptions" to the common rule; and illustrates his views by the extreme wrongs of "a woman who is forcibly attacked in her chastity," or of "a man who is put to the trial of personal estimation or honor," and whose injuries "the utmost power of the magistrate

cannot afterward repair." Lord Kaimes was unable to discover any crime on either side in a duel when no "satisfaction," or "proper satisfaction," is offered to an affronted party, on the one hand, and when the "person who gave the affront has offered what he thinks full satisfaction," on the other; but, as will be admitted on a moment's reflection, a combat under such circumstances can rarely take place. Sir James Mackintosh remarks, that "duelling is among us a disputed case, though the improvement of manners has rendered it so much more infrequent, that it is likely in time to lose its support from opinion"; and allowing us at least to infer, that the class of gentlemen with whom he mingled were divided in sentiment, while he himself belonged to the party that hoped for an entire abolition of it. The views of Dr. Johnson are far less equivocal than either of the preceding writers, since, according to Boswell, he defended duelling in repeated conversations. It has been contended that the learned critic and lexicographer did not utter his real convictions, but talked to his listeners to please, and as the humor moved him at the moment. With all deference, I shall take no pains to ascertain whether his sober thought was in agreement with his words, or the converse; for I have frankly to declare, that, upon a question of morals, I entertain no respect whatever for the opinion of the man, who, in answer to the memorable Resolutions and Address of the Continental Congress of 1775, wrote that infamous tract, "*Taxation no Tyranny.*"

We turn to other eminent personages who have borne testimony *against* the custom. Passing the flippant speech of Dean Swift, that all duellists are "fools," we may pause in admiration at the conduct of the historian Gibbon, who, when informed that two of his friends had agreed to repair to the field, interposed, on the noble principle that the acknowledgment of a real fault is never injurious to one's honor, and that an offender who offers an apology or explanation is a true gentleman; and succeeded in adjusting the difficulty between them. Franklin, compressing the whole argument into a single expression, said that "A DUEL DECIDES NOTHING," and that a person appealing to it "makes himself judge in his own cause, condemns the offender without a jury, and undertakes himself to be the executioner."

Charles Cotesworth Pinckney, already mentioned as one of the great statesmen of the United States, after the fall of Hamilton, endeavored to induce the Cincinnati of the different States, in a body, to speak their "abhorrence of the practice," and to deter-

mine "on no account either to send or accept a challenge," as the best means to "abolish it throughout the Union"; and not content with this, he drafted and circulated in his own State a memorial to the Legislature for the passage of a restraining statute, and invoked the clergy of South Carolina, "as a particular favor, at some convenient early day, to preach a sermon on the sin and folly of duelling."

The notes of similar testimony before me, stated in the briefest form, would fill a long chapter; but a proposition to which most reasonable men assent, needs only to be suggested. I cannot forbear, however, in concluding the topic, to ask the reader's attention to the declarations of Hamilton, of Graham, Hillas, Decatur, and Thomas, which are to be found in the appropriate places, as the solemn averments of men who, while they could not boast, with the great Earl of Huntly, that "they never drew a sword in their own quarrel," yet went to their doom the victims of circumstances which, unfortunately, they did not dare to resist, at the loss of their professional and social position. Nor can I forbear to mention, that, whatever the example and opinion of Mr. Clay at one period of his life, we have the sentiment of his old age, in the remark in the Senate, that "no man would be happier than himself to see the whole barbarous system for ever eradicated." Nor would it be just to other members of the Senate to forget the fact, that, in 1838, the bill to prevent and punish duelling in the District of Columbia passed that body with a single dissenting vote; or just to the memory of the late President Taylor to omit to record his emphatic refusal to restore two officers of the Navy who had been dismissed the service for an offence under the duello, accompanied with the statement to his Cabinet, that he had served in the Army forty years without fighting, that duels were unnecessary, that he would discountenance them on every occasion, and that "he would have no duelling men about him if he could help it." Nor ought I to overlook the hopeful circumstance, that, in 1849, a Professor of Law in Kentucky, in his valedictory address to a graduating class, denounced the practice in the strongest terms, "as rude and coarse, and full of horrid crime"; and least of all should I fail to remember the lofty stand of Mr. Rhett, who, in 1852, in the Senate of the United States, in answer to the defiance of a Senator from another State, avowed that he was a member of a Christian church, that he would not dishonor his religious profession by going to the field to avenge an insult, that "he feared

God more than man," and that "true courage is best evinced by the firm maintenance of our principles amidst all temptations and all trials." There was a time in Athens when a Senator was arraigned and punished for stifling a little bird that had taken refuge in his bosom, because the act was a crime against humanity; but in the nineteenth century of the Christian era there were gentlemen of high consideration who sneered at sentiments so in unison with the principles of the heathen Court of Areopagus, as pronounced by the distinguished Senator from South Carolina, in the presence of his peers; yet there were thousands who, as the press bore his words over the country, forgetting their want of sympathy in his political doctrines, felt to say:—

"Honor to him, who, self-complete and brave  
In scorn, can carve his pathway to the grave;  
And, heeding naught of what men think or say,  
Make his own heart his world upon the way."

## PUBLIC SENTIMENT.

Duelling, as everybody knows, is a relic of the Dark Ages. Among the ignorant and superstitious people with whom it originated, and even under the institutions of chivalry, there may have been some excuse for it. But in the present state of civilization it cannot be justified; and this is the common remark. Yet it is still prevalent to an alarming extent, and simply because war-worn veterans who are covered with scars, and judges in robes, and clergymen in surplices, and statesmen who lead legislative bodies or preside in cabinet councils, continue to afford it either their example or countenance. Such men form and direct public opinion, and can put an end to duelling at once and for ever. Gentlemen in other walks in life, of lofty sense of honor and of nice sensibility, feel compelled to send and accept hostile messages, contrary to their own judgment and sense of right, to avoid disgrace, and because *they* dare not reveal *their* abhorrence of the custom, in opposition to persons of superior rank or influence. I shall not soon forget a conversation with a friend who had fought to save himself from ruin. He was the challenged party, he said, and was too poor to decline; he must fight, starve, or remove to the North; the alternatives were dreadful; he accepted the call, horror-stricken, for he sinned against his own conscience, and with the eye of God fixed, as it seemed to him, intently upon him. The account of others is that this gen-

tleman when on the ground bore himself most gallantly. His name is often spoken in New England, and I have heard him stigmatized as "a duellist," and as thus "unworthy of respect." It is not so. I know him intimately, and bear willing witness that, in the circle of my friends, there is not one more exemplary in his daily life, or who, in my judgment, strives more earnestly to conform to the rules of Christian duty. In another instance, I recall the remark of a personage of high rank in one of the planting States, who, in reply to an observation touching the *two* marked distinctions between Northern and Southern institutions, rejoined, "True, but which do you think the worst, — black men in bondage to white men, or white men in bondage to the pistol?" We of the non-duelling States plume ourselves upon our freedom from the barbarous practice, and claim that we are so in consequence of our superior morality; but I have yet to be convinced that we owe *our* exemption to any such difference. Let Northern members of Congress agree in a body that personalities in debate, — let husbands, and fathers, and brothers, associate, that the seduction of wives, and daughters, and sisters, — let gentlemen, generally, resolve that slanderous or impertinent words, — shall hereafter be avenged in private combat, and duels would become as frequent among us as anywhere else. Public sentiment is omnipotent; and, to use a homely expression, is "manufactured to order" by a few prominent men in every community. The Roundheads of England, from whom we are descended, could justly plead religious scruples in answer to cartels from the Cavaliers, for they conformed to no customs, indulged in no fashions, inconsistent with an austere, with a self-denying faith. But it is sheer hypocrisy in us, as a people, to aver that we are restrained from the use of the pistol by principle. At home it is honorable to appeal to the tribunals to redress every wrong, and judges and juries are our common arbiters. Abroad, we forget law and appeal to lead, as often as others; and some of the most desperate duels mentioned in this volume were fought by New England men, in obedience to the sentiment around them.

Public opinion, it hardly need be said to the well-informed reader, rules the statute-book. In England, killing in a duel, whether by peer or commoner, is murder. These pages contain the names of many noble duellists who slew their antagonists; but though three of them — Lords Mohun, Warwick, and Byron — were tried, not one was punished. For a period of nearly

seventy years succeeding the last of these attempted examples, not a single peer was so much as put upon trial; and the case of Lord Cardigan, in 1841, who was arraigned for shooting at Captain Tuckett, embraces the whole account of judicial proceedings against noblemen who have been engaged in affairs of honor. Commoners have escaped with the same impunity. In Scotland, there has not been a single conviction for a century and a half. In England, during the last two hundred years, there may have been twelve or fifteen verdicts of murder by juries, but there has not been one execution of a survivor who killed his adversary in accordance with usage, or under the duello; while in the cases of unfair fighting, Major Campbell, and two or three others, have alone suffered the extreme penalty of the law. In fine, the courts have been mere umpires to interfere in "foul play." The judges have not always commenced life, as did Lord Norbury, "with fifty pounds and a pair of hair-trigger pistols"; nor have they always provided seconds, as did one of them in the fatal combat between Boswell and Stuart; nor have twelve magistrates always been passive spectators of a fight, as were that exact number in the savage duel between Colclough and Alcock; nor have the presiding judges always *told* juries, as did Fletcher, "Gentlemen, it is my business to lay down the law to you, and I shall do so: where two persons go out to fight a duel, and one of them falls, the law says it is murder, and I tell you by law it is murder, *but at the same time a fairer duel I never heard of in the whole course of my life*"; but still I fear that these instances illustrate, with some approach to truth, the general feeling of the Bench of the British Isles in all past time; and it is scarcely an exaggeration to add, that witnesses, judges, juries, prosecuting officers, and the higher advisers of the crown, have united to *prevent* punishments under the laws against duelling. The consolation is, that duels in these isles are now rare between persons who give a direction to public sentiment.

In the United States, as in England, killing in a duel is murder; but here, as there, OPINION is superior to LAW. Bennett, as far as I have been able to ascertain, is the only person who has been executed for taking the life of a fellow-man in single combat since we became a free people. In some States, the parties have seldom been held even to answer; in others, the inquiry in the courts has been confined to the single question of the "fairness of the fight"; and this point determined in favor of the survivor, acquittal has followed as a matter of course.

In one State, we find the judge of a court on the duelling ground as a principal; in another, an ex-governor is there as a second; in a third, we read of principals and seconds, attended by an immense concourse in carriages, on horseback, and on foot, passing through one of the largest cities, on their way to the appointed spot, without hindrance on the part of the magistrates; in a fourth, we are told of the deafening shout of the assembled crowd at the fall of both the combatants; and in a fifth, the judicial record shows the mockery of a sentence, against the parties who had completed their arrangements for a mortal strife, of a fine of one dollar and an imprisonment of one minute. Yet in these five States there are not only *statute* laws but *constitutional* provisions in the books adverse to this relic of the Dark Ages. We of the North denounce individual gentlemen, who meet one another to adjust their personal or political differences, in terms measured only by our respective powers of anathema, and we do wrong; for we forget that, if a gentleman at the South refuses to send or accept a challenge, he loses his position in society, and is sometimes shunned and hunted down. We should be just, even in our maledictions. It is not the individual man whom we should assail, but the PUBLIC OPINION which with its imperative voice demands him to hold his weapon at the breast of his fellow. It is not from choice, but in obedience to the tyrant CUSTOM, that persons who, until some trivial dispute severed, had ever loved one another, meet to maim and slay. Nor is duelling a criterion of bravery. Charles Cotesworth Pinckney, of South Carolina, and one of the first characters of his time in America, said that he had "*seen*" cowards fight duels; and Curran, in the exuberance of his wit, speaks of one of his antagonists who died in three weeks after their meeting, "of the report of his own pistol."

## CHAPTER VIII.

## REFLECTIONS ON THE EVE OF A DUEL. — SIN AND ABSURDITY OF DUELLING. — REMORSE OF DUELLISTS.

## REFLECTIONS ON THE EVE OF A DUEL.

I HAVE somewhere read that Moreau made, and Wellington assented to, the remark, that commanders of large armies, however brave, weighed down by moral anxiety and reasonings upon the uncertainties of the result, hesitate, after all their combinations and arrangements have been completed, to make the final movement to bring on a battle. How similar the condition of statesmen and military men of distinction, when on the eve of private battle, — the parting line to the unconscious wife sealed; the will executed and concealed from curious eyes; the thought of the dread event of the morrow and its issue; the resolution taken to reserve fire, or not to wound in a mortal part; and the last conversation for the night with the only friends intrusted with the momentous secret! What were the emotions of Thurlow, rapidly advancing at the bar, and with the vision of the Great Seal and the Wool-sack before him! of Canning, struggling for the premiership, but scorned by the aristocracy for the lowly position in life of his true-hearted and exemplary mother! of Pitt, whose ambitious policy grasped at bounding and balancing the kingdoms of all Europe! of Hamilton, the pride and hope of a hemisphere, and the “disciple on whose bosom” Washington had “leaned”! of Clay, as chivalrous as the ancient Bayard himself, and taunted to madness by the ferocity and malignity of party calumny! of Decatur, gallant and generous to knight-errantry, yet pushed by malign influences to wrong a professional brother already crushed by an administration to conceal its own indolence and remissness!

## SIN AND ABSURDITY OF DUELLING.

An elaborate argument to prove the WICKEDNESS of the custom is unnecessary, for *that* is admitted everywhere, and quite as often and as frankly among its unfortunate victims as among others. Nor, in omitting a discussion on the point thus generally conceded, shall I so far yield to the popular voice in some sec-



tions of the country, as to say that, as a class, "duellists are murderers"; since it were as just, in my judgment, to pronounce the sentence of self-murder against those of the other sex who, by *their* course of life, produce consumption and premature decease. Both are the victims of FASHION. Society in the former case loads, presents, and fires pistols, to shoot husbands and fathers and brothers; and in the latter, by its imperative laws to regulate the form and materials of dress, the hours of visiting, the articles of food or entertainment, and the manner of employing time, commits wives and daughters and sisters to untimely graves. Is it not so?

The unconditional ABSURDITY of duelling, as a means of redress, may be shown in a passing word. If, under the commercial code, a rich but unprincipled merchant owes me a debt which he refuses to pay, and I propose to give him an acquittance on his consenting that, attended by our clerks, we meet and shoot at one another, or if, under the criminal code, I should agree not to arrest the man who had entered my dwelling, and robbed me of my family plate and pictures, on condition that he would fight me, everybody would see and exclaim against the foolishness of my conduct. Yet I should act on the precise rule of the code of honor.

Without dwelling on the minor offences, we will take for an illustration the crime of female seduction, which wounds the friends of the victim to madness, and which is sometimes committed under circumstances that almost justify the most summary punishment. But how is it possible to efface the family stigma, in a *combat* with the seducer? Could the fallen daughter or sister be *restored*, or were it certain that the *aggressor* would be shot, *then* something might be gained; but as it is, and in the nature of things ever must be, a male protector, if he send a challenge which is accepted, not only places himself on an *equality* with a scoundrel, but may *himself* be slain, and thus cause fresh anguish at the fireside already polluted by lust.

Again, if the father or chief protector of a single family is bound to "demand satisfaction" of the betrayer of his hearthstone, why may not the father or chief protector of all the families of a nation be held to challenge the betrayer of his country? and why, hence, ought not Washington to have risked the most valuable life of the last century against Benedict Arnold, one of the most worthless lives of *all* centuries? The *principle* in the two cases is the same, beyond all denial; for the question

is not whether the infamous betrayer of confiding woman or the infamous political traitor shall escape from the "deep damnation" of mankind, but whether, after the wrong be perpetrated, a mode of punishment shall be selected which gives no redress to the sufferers, and which puts the innocent and the guilty on an equal footing.

## REMORSE OF DUELLISTS.

This is a painful theme. In the notices entitled *Camelford*, William Barrington, O'Connell, and Colclough, the reader will find details to move his feelings. But these are only examples. A gentleman of wide observation, who has always lived in a duelling section of the United States, and who has taken much pains to inquire into the mental condition of every person who had slain an adversary, remarked, that not a single instance had come to his knowledge which did not afford him proof, that peace of mind was for ever destroyed. The same sad intelligence has been derived from others; and as the result of my inquiries, I can truly say, that the narratives which I have read and to which I have listened have uniformly reminded me of the words of the Psalmist: "*Turn thee unto me, and have mercy upon me: for I am desolate and in misery.*"

Addison, in the *Spectator*, refers to Thornhill (who slew Sir Cholmly Dering) under the translated name of *Spinamont*, and possibly gives us the substance of what fell from the lips of the unhappy survivor in an address to the imaginary King *Pharamond*: "I come not," he says, "O excellent prince, to implore your pardon; I come not to relate my sorrow, a sorrow too great for human life to support"; and again, "Know, then, that I have this morning killed in a duel the man whom of all men living I most loved." Dante, in his Hell, describes the sufferings of the damned in words that cause us to shudder; but unless we doubt the veracity of some of the first characters in the country, the poet's inexhaustible imagination fails to express the wretchedness of most of the living men whose "feet have slipped in gore." Some utter unceasingly,

"My own life wearied me!  
And but for the imperative voice within,  
With mine own hand I had thrown off the burden."

Others, men of gentle and affectionate nature, who had often

grieved at the wanton killing of a bird, and on whose bosom wife and children nestled, — with the blood of a husband and a father upon their hands, — dwell, in their woe, upon the thought that

“ Not all the blessings of a host of angels  
Can blow away a desolate widow’s curse ! —  
And though thou spill thy heart’s blood for atonement,  
It will not weigh against an orphan’s tear ! ”

Still others, the nervous system shattered, the whole of the physical or intellectual powers weakened or destroyed, see and hear their victim in every passing object, or whisper of the wind ; and, as time wears on, sink into hopeless imbecility or raving madness.

I forbear the mention of particular names and instances of either class, for obvious reasons ; but such has been the fate of many pure and highly gifted men who have passed away, of many who yet survive. For, say what we will, facts show that persons of the most eminent worth, and most hopeful talents, are oftenest involved in duels. There are, indeed, fiends who howl for blood like ravening wolves, who, because national peace prevents its flow in streams, seek their life long to lap it in drops from the breast of individuals. But let no one believe that even *such* men are strangers to remorse. The fire is lighted, and slowly consuming them ; nor can the shout which *these* men send up at the midnight carouse, from brothels and drinking and gambling hells, conceal its progress from keen and searching eyes.

“ Remorse is as the heart in which it grows ;  
If that be gentle, it drops balmy dews  
Of true repentance ; but if proud and gloomy,  
It is a poison tree, that, pierced to the inmost,  
Weeps only tears of poison.”

## CHALLENGES AND DUELS.

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ACCORAMBONI, Marquis of. See *Bruce, James*.

ACKLAND ——— and ——— LLOYD. In England, during the American Revolution. Both were officers in the British army; the first, a major, the latter, a lieutenant. Ackland was shot through the head, and Lady Harriet, his wife, was bereft of her reason for two years. Ackland, in defending the Americans from the charge of cowardice, gave Lloyd the lie direct; hence the meeting.

ADAIR, ——— a general in the war of the Revolution. The following story is related in *Graydon's Memoirs*. Every gentleman of Adair's standing may, if he have the COURAGE to do so, adopt the same course.

"A young officer, conceiving himself aggrieved, challenged the veteran, who took no notice of the matter. A second note was the consequence, in which Adair was informed, that, if 'satisfaction' were not accorded, he would 'post' him as a coward! The General then replied, in substance, that he might proceed, but assuredly in so doing he would 'post' himself a 'fool and a liar,' as certainly no man would believe him."

ADAM, Member of Parliament. See *Fox, Charles James*.

ADOLPHUS, son of Duke of Guelderland. See *Guelderland, Duke of*.

AGAR, JAMES, and HENRY FLOOD. In Ireland, in the year 1770. One account is, that the duel grew out of an election contest, and that Flood was not to blame; that there had been a previous duel between them, in which Agar was slightly

wounded in the arm; and that Agar thought proper to revive the quarrel. In this (the second duel) Agar was shot through the heart. He seems to have been a very intemperate man, and even on the ground could not refrain from language the most insulting and unwarrantable. Flood was tried for murder at the Kilkenny assizes: the jury found a verdict of "manslaughter in his own defence." In the *Life and Times of Grattan*, the affair is thus stated:—

"My dear Harry,—I must postpone every other topic to inform you, that on Friday last a duel was fought between Harry Flood and Mr. Agar the elder, in Dunmore Park, near Kilkenny, in which Mr. Agar was unfortunately killed. As Mr. Flood was not the challenger, and as it was out of his power to avoid it, he has nothing to reproach himself with. The cause was a case of pistols belonging to Mr. Agar, which one Keogh lost at Burn Church, in the riot about ten months ago. I hear that the unfortunate gentleman had often asked Mr. Flood about them, who always said 'that he had them not, and was not accountable for them.' But on Friday they produced a challenge, to my great surprise; for if there were any offence, it was as much an offence any day these ten months as it was on that day. They stood at about fourteen yards asunder. Before they fired, Mr. Agar questioned Mr. Flood about the pistols, in a threatening and offensive manner. Mr. Flood answered very deliberately, 'You know I will not answer you while you ask me in that manner.' Mr. G. Bushe, who was Mr. Flood's friend, said something to Mr. Agar to induce him to ask in another manner, and not to bring such an affair upon himself so needlessly; but without effect. He laid down one pistol, and rested the other upon his arm to take his aim. Both Mr. G. B. and Mr. Roth, his own friend, called to him to fire fairly. (N. B. Besides the unfairness of using a rest, it was particularly unfair at that time, for Mr. A. had proposed they should stand alongside a quickset hedge, but Mr. Roth declared '*there should be no levelling.*' Upon their calling out he desisted, and took another posture, and fired first and missed. He then took up his other pistol, and then said to Mr. Flood, 'Fire, you scoundrel!' Mr. Flood thereupon presented his pistol, which he held all this time with the muzzle turned upwards, and shot Mr. A. through the heart. Mr. A.'s left breast was towards him, Mr. A. being left-handed. He expired in a few minutes without speaking anything articulate. The coroners have found the verdict specially, 'That he came to his death by a pistol-bullet.'"

AGOULT, Count of. See *Conde, Prince of*.

AGUESSEAU, Mons. SEGUR D', and Mons. BERTHOLON. In France, in 1849, with pistols. The seconds of the first were M. Piscatory and M. St. Jean d'Angely: of Bertholon, M. Vasseur and M. Cholat. The parties escaped without harm; but

Bertholon's pistol was broken by his adversary's ball. The two principals immediately appeared in the Assembly as if nothing had occurred. The meeting was caused by an angry discussion in the Legislative Assembly, of which the following is presumed to be a correct account. Words spoken in debate often occasion duels in France, at the present time, and as notice of several will be found in this volume, the scene of November 21, 1849, is here related to serve for all. Premising that, on the 16th, a bill granting an additional salary to a high functionary was rejected, and that the debate on that day was conducted with much acrimony, we come at once to the proceedings five days afterwards.

M. Crémieux asked the Minister of the Interior if the Government contemplated to make a provision for the wounded of February, their widows and orphans. M. Ferdinand Barrot replied, that in the course of two or three days he would present to the Assembly two projects of law,—one relative to the wounded of February, and the other relative to those of June. M. Ségur d'Aguesseau then rose, and asked the Minister if the brave Municipal Guards, the only combatants of February, were entitled to national sympathy,—were included in the distribution of the relief fund? This interpolation produced a fearful storm. The whole of the Left cried with one voice to the President, to call M. d'Aguesseau to order. M. Beaune ascended the tribune, but was unable to obtain a hearing. The President violently rang the bell without being able to restore silence. Several voices of the Mountain cried, "Down with the Royalist; he insulted the Republic. Call him to order." The President, however, refused to obey the injunction, insisting on M. Ségur d'Aguesseau's right to address questions to the Minister. The greatest agitation continued on the Left, most of whose members stood up gesticulating and shouting, whilst others descended into the hemicycle. Silence having been at last restored, the President said that M. d'Aguesseau had taken him by surprise. He should have previously apprised him of his intentions, as M. Faucher had done. This explanation did not satisfy the Left, who, with redoubled vehemence, urged the President to call M. d'Aguesseau to order. M. Beaune, having ascended the tribune, personally assailed M. d'Aguesseau, whom he denounced as a tool of the contemptible government of Louis Philippe. Interrupted at every word by cries of "Order" from the Right, he was called to order for an expression which escaped us amidst the noise and confusion. M. Beaune, then turning round towards M. Dupin, exclaimed, "You are the Procureur-General of the majority, and not the President of the Assembly." M. Dupin called him a second time to order, but on this occasion with censure, when the whole of the Left clamorously demanded to be included in the censure. The President, however, having put the order of the day to the vote, it was adopted by a considerable majority, and the Left saluted the decision

with cries of "Down with the conspirators! *Vive la Republique!*" The tumult here reached its highest pitch, when the President (turning towards the extremity of the Montagne) called thirty of the most turbulent to order. M. Bertholon, one of them, then rose and objected to that irregular mode of proceeding of the President. Those, he said, whom he ought to call to order, were the men who disturbed the deliberations of the Assembly by their Royalist manifestations, their factious language, and their appeal to civil war. ("Bravo" on the Left.) M. Segur d'Aguesseau, who had hitherto quietly remained seated during the whole tumult, here ascended the tribune, and said that, having come to the Assembly with the honest and serious intention of founding a regular republic, he considered as calumniators those who had ascribed to his words a Royalist character. He had, on the contrary, acted as a true republican. (Expostulations on the Left.) "My interrupters," continued M. d'Aguesseau, "or rather my calumniators, forget that it was on my motion the entire Assembly rose on the 28th of May last, and joined in the cry of '*Vive la Republique!*' The majority desires a republic different from the one dreamed of by another portion of the Assembly (pointing to the Left), and I glory in the sentiments which excited their displeasure." (Loud cries on the Left.) M. d'Aguesseau, having descended from the tribune, was succeeded by M. Lagrange, who declared that, for his part, he would not accept the opprobrious epithet of calumniator; that it was an insult offered the Assembly and the entire of France.

AGUILAR, DON ALFONSO, a Spanish noble. Intended duel, in 1470, with another Castilian nobleman, in presence of the king of Granada. Aguilar failed to appear. His adversary fastened his portrait to the tail of the horse on which he was mounted, and rode round the lists in triumph.

AIGNAN, ST., Mons. See *Frettes, La.*

ALABAMA. Constitutional provision:—

"The General Assembly shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office, or the terror thereof, as they may deem expedient."

ALBA, Duke of. See *Soule, Neville.*

ALBEMARLE, Lord. See *Townshend, George.*

ALCOCK, —. See *Colclough.*

ALDWORTH, WILLIAM. See *Buckingham, Owen.*

ALDWORTH, —, Member of Parliament, and Colonel CHUDWORTH. In England, 1714. At "a great court at St. James," Chudworth called Aldworth "a Jacobite"; a quarrel ensued, and it was agreed to repair to Marylebone fields in a coach, and there adjust the matter. Aldworth was killed.

**ALFIERI, VITTORIO**, Count, a noble poet of Piedmont, and Lord **LIGONIER**, a British peer. Some time previous to 1784. Lady Ligonier, a beautiful but licentious woman, became Alfieri's mistress. The duel was in consequence of the intrigue. The Count was wounded in the arm. A divorce followed, and the adulterer returned to Italy; but again saw the adulteress twenty years afterwards, when she was the wife of a commoner, and expressed herself as "perfectly happy."

Alfieri, subsequently, is supposed to have enjoyed the favors of Louisa Maria Caroline, Princess of Stolberg and Countess of Albany, and wife of Charles Stuart, "the Pretender" to the British throne, from whom she was separated. After the death of the Pretender, the Count and Countess were married. Alfieri died in 1803,—the Countess in 1824. Their ashes now mingle under the same monument, at Florence, between the tombs of Machiavelli and Michael Angelo. The Count was an author of much celebrity. His works, consisting of six comedies, twenty-one tragedies, and various other writings, were published in thirty-seven volumes, a few years after his decease. It was owing to the Countess, he said, that he was able to achieve anything worthy of preservation.

**ALFONSO**, King of Portugal. See *Ferdinand, King of Spain*.

**ALI**, son-in-law of Mohammed, and his fourth successor. Challenge to Moawiyah, in the year 657. In the wars of the Saracens.

"Ali called out to Moawiyah, 'How long shall the people lose their lives between us? Come hither. I challenge you to appeal to the decision of God. And which of us two kills his man, let him have the whole himself.' Whereupon, Amrou said to Moawiyah, 'Your cousin has made you a fair proffer.' Moawiyah said it was not fair, because that Ali knew that no man had ever yet come out against him but he had killed him. Amrou told him that his refusal would look dishonorable. Moawiyah answered, 'You have, I see, a mind to enjoy the government yourself, after I am gone.'"

A battle followed. Moawiyah proposed to Ali to submit the difference between them to two arbiters, who might determine it according to the Koran and the tradition of the people. Ali declined the proposition at first, but finally acceded to it.

**ALLAIN, Mons.** See *Cournet*.

**ALLEN**, — (an eccentric, half-insane Irish lawyer, of some note in his time), and a brother of the bar, whose name does not



appear. It is related in *Curran and his Contemporaries*, that Allen dashed his bar-wig in the face of his brother lawyer, and nearly blinded him with the powder, and that a meeting was the consequence.

The attorney fired and missed; Allen, who had purposely reserved his fire, brandishing his pistol furiously about, to the imminent danger of all within its range, wildly demanded of his awe-struck second, in whose mind's eye the gallows largely loomed, "Shall I rush on him with a shout, *after the manner of the ancients?*"

ALLEN, Rev. BENNET. See *Dulany, Lloyd*.

ALLSTONS, and General REED. In Texas, in 1841 or early in 1842. A New Orleans paper of January of the latter year has the following chapter of blood:—

"We learn the end of Willis Allston, who shot General Reed, of Florida. Mr. Allston, of Tallahassee, challenged General Reed. They fought and the General shot him. Willis Allston, brother of the deceased, and the General had a rencontre subsequently, when the former shot the latter. Allston then went to Texas. About the 10th of last month, he met Dr. John McNeil Stewart in the woods near Brazoria. An altercation arose between them relative to a friend of Mr. Stewart. Allston drew his knife to stab him, but Stewart, perceiving his intention, fired three shots at him with one of Colt's pistols. Allston, though severely wounded, fired a rifle and shot-gun at his opponent, which instantly killed him. The citizens of Brazoria arrested Allston, took him out, and shot him."

ALPHONSE, Mons. See *Isidore, Mons*.

ALVANLEY, Lord, and MORGAN O'CONNELL, Member of Parliament. In the year 1835. The parties fired several times, but without injury to either. The quarrel was political, commencing between his lordship and the celebrated Daniel O'Connell, and terminating with his son Morgan, who assumed it for reasons which probably appear in the account of the duel of the great "Agitator," in this work.

ALVARADO, DON DIEGO. Challenge to HERNANDO PIZARRO, in Spain, in 1539. Hernando had condemned and executed Diego de Almagro while in South America. The act was unnecessary and unjust. Alvarado was Almagro's friend and executor, and denounced Hernando as a base and ungrateful tyrant, wherever he went. At last, he challenged the object of his hate to single combat, pledging himself "to prove, by his good sword, that Hernando, in his treatment of the Adelantado,

had acted with cruelty and ingratitude, that he was a bad servant to his king, and an unworthy knight." Alvarado died five days after sending this challenge. Dark surmises were entertained as to the cause of his sudden decease, much to the injury of Hernando; who, for his misdeeds in Peru, generally, was soon after loaded with chains and imprisoned; nor was he released until the lapse of twenty years, when, bowed by sorrow and infirmity, life was a burden.

AMBOISE, BUSSY D'. See *Bouteville, Count Charles*.

AMELUNG, FERDINAND LOUIS, of Louisiana. He entered the military service, as captain of volunteers, in 1812; was retained at the peace, when he had the same rank in the regular army. He resigned in 1819, and was killed in a duel at Baton Rouge the following year.

ANGE, ST. JEAN D', Mons. See *Aguesseau, Mons. Segur d'*.

ANGIER, M. EMILE, and M. CHARLES MONCELET. In France, in 1853. Neither harmed. Honor satisfied by a single shot. Both literary men, and the duel caused by an article of Moncelet, in which he criticized *Philiberte*, the last work of Angier.

ANGOULÊME, CHARLES OF VALOIS, Duke. He was a son of Charles IX.; was admitted a knight of Malta, and became Grand Prior of France. While known as Count of Auvergne, in the reign of Henry IV., and about the year 1604, he became involved in plans which were treasonable, and, apprehending detection, sent a challenge to the Count of Soissons, in order to be banished from court. Soissons complained, and Henry, to satisfy him, exiled the challenger. But the king soon recalled Auvergne, and he was committed to the Bastile. In 1605, Auvergne was condemned to death; but his sentence was commuted to imprisonment in the Bastile, where he remained more than eleven years. He was created Duke of Angoulême in 1619, and died in 1650.

ANGUS, Earl of. See *Spens of Kilspindy*.

ANNANDALE, noble house of. William, son of the second Earl of Annandale, was slain in a duel in 1721. Antagonist unknown.

ANTONY, MARC. Challenge to JULIUS CÆSAR, about the year 30 B. C. Antony's fortunes were on the wane: indeed, his case had become desperate. In his extremity he resolved to

perform some extraordinary act of valor, and accordingly challenged Cæsar to single combat. In Shakespeare, as Cæsar reads a letter, he speaks thus :

“ He calls me boy : and chides, as he had power  
To beat me out of Egypt ; my messenger  
He hath whipped with rods ; dares me to personal combat.  
Cæsar to Antony. Let the old ruffian know  
I have many other ways to die ; meantime,  
Laugh at his challenge.” — *Ant. & Cleo.*, Act 4, Sc. 1.

ANTRAGUET, —, and QUELUS, a minion of Henry III. of France. They fought with two seconds on each side, and with swords. Antraguët, however, used both sword and dagger, which Quelus said was unfair ; whereupon Antraguët replied, “ Thou hast done wrong to forget thy dagger at home ; we are here to fight, and not to settle punctilios of arms.”

ANTIN, D', Mons. See *Frettes, La.*

ARGENLIEU, Mons. See *Frettes, La.*

ARNOLD, BENEDICT. See *Lauderdale, Lord.*

ARMSTRONG, SIR THOMAS : a man of some notoriety in the time of the Stuarts. In his youth, he was known especially for his duels, and his drunken exploits. Scott introduces him in *Feveril of the Peak* as *Bully Tom Armstrong*. He was executed without trial, in 1684, for his concern in Monmouth's conspiracy.

ARMSTRONG, CHARLES. Time and antagonist unknown. He was of the family of Armstrong of Garry Castle. Engaged in a duel, a relative of his own, of the name of Eyre, who acted as second to his opponent, treacherously murdered him.

ARRAN, CHARLES HAMILTON, Count of. Challenge to General Macartney, in the reign of Queen Anne. Macartney (second of Lord Mohun) slew the Count's father in a duel, and fled to Antwerp. The Count followed him, and invited a meeting. The General declined. Arran was the son of the Duke of Hamilton “ by the injured lady, Barbara Fitzroy.” (See *Hamilton and Mohun* for a particular account of the cause of Arran's cartel.)

ASHFORD, WILLIAM. See *Thornton, Abraham.*

ASSYRIA, King of. See *Cyrus, King of Persia.*

AUBANYE, a member of the noble house of Angoulême,

France. Duel with swords; but Aubanye used a dagger in addition to the weapon agreed upon. His antagonist accused him with having an undue advantage, whereupon he threw away his dagger. This case, and that of Antraguët, show the dishonorable means resorted to by some duellists of former periods.

AUGENT, JOHN S. See *Jones, William H.*

AUGERO, Mons. Challenge to General Lemery, in New York, in 1852. The Spanish Consul of that city published an official statement of the facts in the case. He said, —

"I visited General Lemery at the New York Hotel. As soon as I entered, the General handed me a challenge, addressed to him by Mr. Augero. I observed without hesitation that he could not accept it; that his official acts were not amenable on individual appeals for satisfaction, and that it would be a violation of his military rank and official position, as well as of the laws of the State of New York, to enter into a personal rencontre."

The combat, according to the Consul's account, was declined.

BACOT, Colonel. See *Duleng, Mons.*

BAGNESI, Marquis of. See *Strozzi, Marquis.*

BAINBRIDGE, WILLIAM, Captain in the Navy of the United States. See *Decatur, Stephen*, — duel with Barron.

BAINBRIDGE, JOSEPH. See *Cochran.*

BAIRD, OLIVER T. See *Wright, C. J.*

BALCARRAS, Lord. See *Shelburne, Earl of.*

BALL, —. See *Kilkenny, Earl of.*

BANISTER, JOHN, of Virginia, Midshipman in the Navy of the United States, in 1835. Antagonist unknown. Banister was slain.

BARBAGON, J. M. See *Carroll, E. T.*

BARNAVE, ANT. PIERRE JOS. MARIE, a French barrister, and deputy to the States-General. The hero of two duels. The earliest, with Viscount de Noailles, in which he fired first and missed his adversary, who discharged his pistol in the air; when the friends of both interfered. The second was in August, 1790, with Mons. de Cazalès, with pistols. Cazalès was wounded. Barnave was condemned to death by the revolutionary tribunal of Paris, in 1793. He was a man of fine powers of elocution; and as good a judge as Mirabeau was astonished

"that one so young should speak so long, so rapidly, and so eloquently."

BARNE, BENJAMIN, of England. Antagonist unknown. The duel in Ireland, in 1772. Barne killed. He was an officer of dragoons, and a descendant of Sir George Barne, knight, who was Lord Mayor of London in 1552.

BARNES, —, Captain. See *Welch, Lieutenant*.

BARNETT, —. See *Sheridan, Richard Brinsley*.

BARNEY, HON. JOHN, ex-Member of Congress, Maryland. Challenge, in 1852, to Mons. Sartiges, Minister of France to the United States. The message was in the following terms : —

"To MONS. SARTIGES, *Ministre de France*.

*Baltimore, May 3, 1852.*

"SIR, — I inclose, for your information, copy of a letter this day addressed to a former friend, Prince Jerome Napoleon Bonaparte, now President of the Senate of France. If, in shadowing forth a faint outline of the infamy of your character, I have given you cause for offence, my friend General — is authorized by me to receive and respond to any communications you may desire to make.

"The person of an ambassador is sacred, or I should have long since corrected your impertinence by wholesome chastisement.

"The stringency of the laws of the District of Columbia in regard to personalities has and will prevent my noticing you there in any way. I shall remain here until Thursday, 4 P. M., to learn and conform to your wishes.

I have the honor to be,

"JOHN BARNEY."

The author is indebted to Mr. Barney for the above, and for a copy of his communications to Prince Jerome, to Louis Napoleon, Emperor of France, and to the President of the United States, in which the reasons for his challenge to the French ambassador are related in detail. They are substantially the same, and contain "an array of facts, the truthfulness of which," he remarks, "he avers of his own knowledge." These papers may be very properly omitted here. I cite, however, a single passage from the letter to Prince Jerome : —

"SIR, — I desire to recall to your memory the period when first I had the honor to meet you in my father's house in Baltimore. As an officer of the Revolution in America, and Chef de Division in the service of the Republic of France, he claimed and had the honor to receive you and your suite.

"The inclosed documents will evidence who I now am, and what I have been.

"For more than thirty years the representative of my native city in the councils of the State of Maryland, and in the Congress of the United States; the personal friend of the late marshal, Count Bertrand, as is certified by the annexed letter, — I claim your attention in representing the degraded character of your Minister to these United States.

"For twenty-seven years I have enjoyed the privilege of an acquaintance with the Diplomatic Corps in Washington, and I bear willing testimony to the amenity, courtesy, propriety, dignity, and polite civility of all, — commanding the respect, esteem, and confidence of the polished society of Washington. Mons. Sartiges presents the solitary exception," &c., &c.

BARONNET, MONS. See *Cournet*.

BARRELL, GEORGE. Challenge to Mr. Zebedee Cook, Jun., of Boston, in 1820. Mr. Cook published a card, in which he stated that, in his opinion, merchants were not required to adjust their disputes with pistols.

BARRINGTON, Colonel JONAH, and a Mr. GILBERT. In Ireland, about the year 1759. The parties, after entertaining an irreconcilable grudge for some time, finally met in single combat, on horseback, on the green of Maryborough. It was arranged that the ground should be one hundred yards of race, and eight of distance; the weapons, two holster-pistols to each, and a sword; the pistols to be charged with one ball and "swan-drops." Six months intervened between the arrangements and the duel. The country people, for miles around, were present. Both parties fired, and missed. At the second fire Barrington was wounded, and, becoming enraged, a fierce hand to hand fight ensued; he received three additional wounds, and Gilbert was cut on the side and thigh. Both wore iron scull-caps under their hats, which probably saved their brains. A reconciliation was effected, which was lasting; and when, subsequently, Barrington fought a Mr. Fitzgerald, his antagonist in this affair was his friend or second.

BARRINGTON, SIR JONAH. The chronicler of the most noted Irish duels of his time. He was a duellist himself, and his accounts of his affairs with Richard Daly and Leonard McNally show the manner in which single combats sometimes originated, and were conducted, by gentlemen of the Emerald Isle.

In the one case, Daly, who was a barrister, gave the challenge. Barrington had never spoken a word to him in his life, had scarcely spoken of him, and was wholly unconscious of

any cause of offence; but inasmuch as this was the first invitation he had received, and as public sentiment in Ireland then required that such a challenge should never be declined, he accepted without any inquiry as to the reason for being called out. They met in the field of Donnybrook. A brother of Sir Edward Crosby, Bart. was the friend of Barrington, and John Patterson, nephew to the Chief Justice, accompanied Daly.

Crosby, without salutation or conversation, immediately cried out, "Ground, gentlemen! ground, ground! damn measurement!" The second of Daly advanced, and said that his principal could not think of going further in the business; that he was mistaken, and was sorry for having occasioned so much trouble to Mr. Barrington and his friend; and that he hoped they would excuse him, and shake hands with him. To this Barrington had no sort of objection, but Crosby said, without hesitation, "We cannot do that *yet*, sir; I *show* you we *can't*" (taking a little manuscript book out of his breeches pocket). "There's the *rules*,—look at that, sir; see No. 7: 'No apology can be received after the parties meet, *without a fire*.' You see there's the rule," continued Crosby, "and a young man on his *first-blood* cannot break rule, particularly with a gentleman so used to the sport as Mr. Daly. Come, gentlemen, proceed, proceed!" Daly appeared much displeased, but took his ground in silence. Barrington did the same. They fired; Barrington took no aim, but wounded Daly. Barrington required to know the *cause* of the challenge; but it was now Daly's turn to cite a rule, and *his* friend quoted No. 8: "If a party challenged accepts the challenge without asking the reason of it, the challenger is never bound to divulge it afterwards." But this absurd duel ended here.

In the affair with McNally, Barrington was also the challenged party. McNally was a short man, "and nearly as broad as long, his legs were of unequal length, and he had a face which no washing could clean," and was a good-natured, hospitable, talented, dirty fellow. The parties met in the middle of the review-ground, Phoenix Park. Barrington was attended by Henry Harding, "a huge, wicked, fighting king's county attorney," and by Rice Gibbon, a surgeon. His ball struck McNally in the side, who cried out, "I am hit." Barrington's surgeon instantly ripped up his clothes, and found that the bullet had struck the buckle of his gallows (suspenders) and had not entered his body. Harding exclaimed, "By J—s, Mac! you are

the only rogue that I ever knew that was *saved* by the gallows." McNally had been in so bad odor among gentlemen of the bar that no one would fight him. This duel placed him on fighting ground. He had been universally insulted; but indignities were suspended, and he often said that Barrington's shot was his salvation. In *Curran and his Contemporaries*, there is an amusing description of his unfortunate position previously.

"His distress at one time was truly pitiable, at not being able to induce anybody to fight him. Being, it seems, under some cloud, Harry Grady, who wounded everybody with whom he fought, refused that favor to McNally. Everybody followed this inhuman example. The poor man could get nobody to shoot him, and was the picture of misery. In vain he fumed, and fretted, and affronted. All seemed determined on being 'guiltless of his blood.' Never was an Irish gentleman so unfortunate. At length Sir Jonah Barrington, out of Christian charity, accepted his cartel, and shot him into fashion. McNally was a man again."

BARRINGTON, WILLIAM, and Lieut. MCKENZIE. The former was a brother of Sir Jonah Barrington, and a youth of twenty years; the latter an officer in the British army. Captain Gillespie, though previously considered a friend of the Barringtons, volunteered as McKenzie's second. It seems, by Sir Jonah's *Sketches*, that the dispute between the principals was private, and ought not to have caused a duel. McKenzie was not averse to an arrangement; but Gillespie would entertain no overtures upon the subject. The combatants met, fired, and missed. They fired a second time. A reconciliation was then proposed, to which Gillespie objected. Barrington expressed his readiness to adjust the difficulty, after the second fire, and while thus protesting, was shot dead by Gillespie. Gillespie was arrested, and in 1788 tried for the offence. It was proved at the trial, that Barrington declared enough had been done to satisfy the honor of himself, and of his antagonist; that he actually held out his hand to McKenzie, but that Gillespie exclaimed, "his friend *should not* be satisfied, and the affair should proceed." The prosecution proved also, that Barrington uttered some harsh expressions relative to Gillespie, who, losing his self-control, suddenly threw a handkerchief to Barrington, asking if he "dared take a corner of that"; that the unfortunate youth snatched at the handkerchief, and at the instant received a ball from Gillespie, which passed through his body; that he expired in agony the same evening, and that the murderer fled from the field.



It is remarked by Sir Jonah, that the circumstance of a second's killing a principal because he desired a reconciliation, has no other example in the annals of duelling.

Judge Bradstreet, who tried the case, held that the death of Barrington was clearly murder ; but the jury returned a verdict of "*justifiable homicide*."

Gillespie became a general in the British army, and a monument to his memory has been erected in Westminster Abbey. It is said that he was never happy after Barrington's fall ; that, intrepid to excess, he often tempted fate. He was slain under the walls of Bangalore, India, and possibly while courting death to end his sorrows.

BARRON, JAMES, Captain in the Navy of the United States. See *Decatur, Stephen*.

BARRY, —, Captain, British Navy. See *Montgomery*.

BARTHELMY, MONS. See *Cournet*.

BARTON, —. See *Graham, W. G.*

BARWELL, —, member of the Council of Bengal. See *Clavering, General*.

BASSETT, WILLIS H., Surgeon in the Navy of the United States, and JOSHUA SANDS, Lieutenant in the same service. In South America, in 1830. Bassett was killed. The survivor and the seconds were sent to the United States by their commanding officer.

BATE, HENRY. See *Dudley, Sir Henry, Baronet*.

BATH, WILLIAM PULTENEY, Earl of, and Lord HERVEY. In England, in 1731. This duel gave offence to the king, who removed Mr. Pulteney from the office of Privy Councillor, and from the commission of the peace. Pulteney was one of the ablest opponents of Sir Robert Walpole ; and, on the downfall of that minister, was elevated to the peerage by the title here given to him.

BATRE, CLAUDE DE, a French knight. See *Maximilian, Emperor of Germany*.

BATTIER, —, an officer of the tenth regiment of hussars, British army. Challenge, in 1824, to the Marquis of Londonderry. It seems that the officers of that regiment claimed the right to determine who should be admitted into, and who should be excluded from, the corps, and that Battier, under the auspices

of the Duke of York, obtained a commission, in opposition to the rule. The result was, that no one would associate with him. Thus "driven into Coventry," he retired on half-pay. The Marquis was colonel of the regiment, hence the challenge.

BAYARD, Chevalier. See *Sotomayor, Alonzo de*.

BAYARD, GODEFROI. See *Eu, Count d'*.

BAVARIA: a Court of Honor established in 1819, to prevent duelling. Success of the measure unknown.

BRAUMANOIR, a knight of Breton. See *Bemborough, an English knight*.

BEAUMARCHAIS, Mons. See *Clavijo, Don Joseph Flaxcardo*.

BEAUMONT, Mons. See *Manuel, Mons*.

BEDFORD, Duke of, and the Duke of BUCKINGHAM. In England, 1822. Both parties fired; the former in the air. The duel grew out of an expression of his grace of Bedford, at a county meeting.

BELLAMONT, Lord. See *Townshend, Lord*.

BELLESSES, SIR HENRY, and THOMAS PORTER. In 1677. I quote from the Edinburgh Review:—

"They dined together . . . in Sir Robert Carr's. It happened that these two, the greatest friends in the world, were talking together, and Sir H. Bellasses talked a little louder than ordinarily to Tom Porter, giving him some advice. Some of the people standing by said, 'What! are they quarrelling, that they talk so high?' Sir H. Bellasses, hearing it, said, 'No; I would have you know I never quarrel, *but I strike*; take that as a rule of mine.' 'How,' said Tom Porter, 'strike! I would I could see the man in England that durst give me a blow!' With that Sir H. Bellasses did give him a box on the ear; and so they were going out to fight, but were hindered. . . . But they met; Porter watching the coach of Sir Henry, stopping it, and bidding him to come out of it.

"So out they went, and they both drew, and they fell to fight, some of their acquaintances by. They wounded one another; and Sir H. Bellasses mortally. He, finding himself severely wounded, called to Tom Porter, and kissed him, and bade him shift for himself. 'For,' says he, 'Tom, thou hast hurt me, but I will make shift to stand on my legs till thou mayest withdraw, and the world take no notice of thee; for I would not have thee troubled for what thou hast done.' And then Tom Porter showed him how he was wounded too. . . . Both of them were . . . extraordinary friends. It is pretty to hear how the world talk of them, as a couple of fools that killed one another out of love."

I may add, from another source, that James II., while Duke of York, and after the decease of his first wife, desired to marry the widow of Sir Henry Bellassés; that they were in fact engaged; that the lady, believing that the Duke's interests would suffer, released him; but retained in writing his promise of marriage, to preserve her reputation.

BEMBROUGH, —, an English knight, and BEAUMANOIR, a knight of Breton, of the party of Charles of Blois.

A duel of thirty knights on a side, about the year, probably, 1349. After the knights of the two nations came into the field, and before the combat began, Beaumanoir proclaimed, that "it would be seen that day who had the fairest mistresses." The Bretons prevailed, after a bloody combat. Among the English knights were two distinguished generals, — Sir Robert Knowles and Sir Hugh Calverly. In the advance of civilization, the duellists of our time wonder at a contest so ridiculous as this: may it not be well to remember that, in the still further progress of the human race, *modern* duelling will excite equal surprise.

BENNET, Doctor. See *Williams, Doctor*.

BENNETT, WILLIAM. See *Stewart, Alphonso*.

BERARD, MONS. See *Brives, Mons. M.*

BERESFORD, —. See *Fitzwilliam, Earl of*.

BERTHOLON, MONS. See *Aguesseau, Mons. Segur d'*.

BEST, a captain in the guard of Elizabeth, Queen of England, and OLIVER ST. JOHN, of the noble house of Bolingbroke. In England. Best was killed. St. John, a student or barrister at law, relinquished his studies, and fled the kingdom: adopting a military life, he obtained distinction in the wars of the queen and her successor, and was finally advanced to the peerage as Viscount Grandison.

BEST, Captain. See *Camelford, Lord Thomas*.

BEUVRON, Marquis of. See *Bouteville, Count Charles*.

BIDDLE, THOMAS, and SPENCER PETTIS. In Missouri, in 1831. Both killed. Biddle was the challenged party, and, being near-sighted, stipulated a distance of five feet, with pistols. *Their weapons, in position, actually overlapped each other.* Both conducted with remarkable coolness. They exchanged forgiveness on the ground. Pettis died the day after, and Biddle the third day

after the duel : the former was a member of Congress elect from Missouri, the latter a major in the army of the United States, and a brother of Nicholas Biddle, the celebrated banker. The quarrel commenced in the newspapers of St. Louis, during an election canvass.

BINGHAM, —. See *Moore, James*.

BIVAR, DON RODRIGO (RUY) DIAZ, Count, surnamed The Cid. He was the flower of Spanish chivalry, in the eleventh century. Two of his single combats are memorable. In one, the quarrel was between his father and the father of his lady-love. The two fathers fought, and Bivar's was vanquished : when, smarting under insult and disgrace, he required his son to espouse his cause. Bivar obeyed the call, and the parent of his loved one fell by his hand.

In the other case, the Count was the champion of Ferdinand I., who, challenged by Ramiro, King of Aragon, obtained possession of Calahorra by the success of Bivar, who conquered Gonzales, the knight substitute of Ramiro.

Bivar, in the reign of Alfonso, the son of Ferdinand, fought a duel by champions, to redress his own wrongs. The two brothers, Counts of Carrion, had sued for and received his daughters in marriage, merely, it would seem, to obtain Bivar's great wealth, which, according to their plan, was given them with their brides, whom they instantly treated with the greatest barbarity and abandoned. Bivar at once demanded the restoration of his property, and a combat with his inhuman sons-in-law. They would gladly have avoided the conflict, but Alfonso insisted, and they reluctantly complied. The knight-champions of Bivar overcame them, but spared their lives.

Bivar is the hero of the great tragedy of Corneille, and of many of the old Spanish romances and ballads.

Lord Woodhouselee says, that Bivar distinguished himself above all other Christian knights, and that Alfonso, by his services, became the most powerful of those petty sovereigns that divided the kingdom of Spain, of whom, at this period, there were about twenty (Christians and Mahometans), besides many independent nobles.

BIXIO, Mons., ex-Minister of France. See *Thiers, Mons., Minister of France*.

BLAIR, JAMES. See *Peachy, A. C.*

BLANC, MONS. CHARLES, and MONS. LACOMBE. In France, 1849. The offence was on the part of Lacombe, who wrote a paragraph against the brother of Blanc. Lacombe was wounded, when the seconds declared that "honor was satisfied."

BLOOMFIELD, SAMUEL C., of New Jersey. An officer in the army of the United States. Was killed, in 1814. Antagonist unknown.

BLOUNT, CHARLES, and the Earl of ESSEX. In England, 1585. The Earl was the challenged party. It appears that, when Queen Elizabeth first saw Blount at Whitehall, she was pleased with his graceful person, and paid him marked attention. Essex was angry. At a subsequent time, Blount, who was of noble blood, and a younger brother of Lord Mountjoye, ran so well at tilt, that Elizabeth sent him a token of her favor. Blount soon after appeared at court, with the Queen's present displayed upon his person, which he took no pains to conceal. Essex saw the decoration, and asked what it was, and wherefore worn? On hearing the facts from Fulke Greville, the Earl remarked contemptuously, "Now I perceive that every fool must have a favor."

Thereupon, Blount gave a challenge. He met Essex near Marybone park, and the haughty Earl was wounded in the thigh, and disarmed. When Elizabeth was told of the duel and its result, she swore by "God's death, that it was fit that some one or other should take the Earl down, and teach him manners, otherwise there would be no ruling him." She said also, "that her beauty had been the object of their quarrel." But Essex, at the time, weary of her fondness, called her "*the old woman*."

BLOUNT, HON. THOMAS, member of Congress from North Carolina. Challenge, in 1797, to HON. GEORGE THATCHER, member of Congress from Massachusetts, and subsequently a judge of the Supreme Court of that State.

The offence was given in debate. Mr. Blount introduced a series of resolutions on the subject of "Defensive Measures," one of which contemplated the putting of eighty thousand of the militia of the country "in a state of *requisition*." Mr. Thatcher, in the course of his remarks to the House, commented upon the phrase "*requisition*," as a *French* term of which he was not fond, and said that, while he had no objection to holding such a number of men "*in readiness*," he entertained the hope that the sentiment would be expressed in "*American language*." Mr.

Blount thereupon defended the offensive word by an appeal to the proceedings of the Congress of the Confederation, and to the calls of that body upon the States for troops, during the war of the Revolution ; and concluded with saying, that he "thought the objection a trifling one, and such as the gentleman ought to be ashamed of making." Mr. Thatcher rejoined, that he did not often say anything of which he was ashamed ; and closed with repeating the old adage, "that a guilty conscience needs no accuser." Mr. Blount rose in great warmth, and declared, that he "should take from no man, with impunity, such language as that," when, interrupted by a loud call to order, he took his seat. Here the dispute in the House appears to have ended. But Mr. Blount, in due time, sent a hostile message. Mr. Thatcher's answer afforded much amusement at the expense of his chivalrous adversary, and was, in substance, that, being a husband and a father, his family had an interest in his life, and that he could not think of accepting the invitation without the consent of his wife, then at home in Massachusetts, whom he would immediately consult.

Fisher Ames spoke of the affair in a letter to Dwight Foster, in his happiest vein : —

"I leave it to you wise men to save the nation. Some of you must watch and pray, and others must fight, if need be. I should not have thought the lot would have fallen upon Thatcher to defend his principles by the sword. And, what is not the least remarkable, he got into the scrape by expressing his aversion to anything French. He is a worthy fellow. May he long escape wounds and sickness, and enjoy as much glory as he thirsts for, without bleeding to get it. Does not J. Smith remark the advantage of a wife? She is an excuse on a challenge. God preserve you from gunpowder," &c.

BLUE, WILLIAM K., of Virginia. Antagonist unknown. He entered the army of the United States, as cornet of cavalry, in 1793 ; was subsequently a lieutenant of dragoons, and a captain of infantry. After quitting the service, and after the year 1800, he fell in a duel at Fort Washington, Ohio.

BLUNDELL, —, a Lieutenant in the British service. In the Isle of Wight, supposed in the year 1813. Blundell was slain. His antagonist, his second, and two others, all officers in the army, were tried and convicted of murder. They were, however, pardoned, but dismissed the service.

BODKIN, AMBY. See *Bourke, John*.

BOLTON, Duke of, and — STEWART. In England, 1760. Mr. Stewart was a candidate for a seat in Parliament. Duel with swords near Marylebone. Stewart slightly wounded. "The Duke, in making a pass, overreached himself, fell down, and hurt his knee. The other bid him get up, but he could not; then he bid him ask his life, but he would not." The combat ended.

BOLTON, WILLIAM B. See *White, Francis B.*

BONAPARTE, CHARLES. See *Canino, Prince of.*

BONAPARTE, PIERRE. In France, 1849. Involved in the personal quarrels of the members of the Legislative Assembly, in November, it is believed that he was a party to two or three duels immediately following them. (See *Aguesseau* and *Bertholon*, for the quarrels here referred to.) But no particulars have been ascertained, except that M. Xavier Durrieu was, probably, his antagonist in one of the combats supposed to have taken place. (See also *Nieikerke, Count.*)

BOSWELL, SIR ALEXANDER, and JAMES STEWART, or STUART. In Scotland, in 1822. Sir Alexander was the son of Dr. Johnson's biographer; and Stewart was connected with some of the noblest and most ancient families in Scotland.

In 1821, a newspaper was started in Edinburgh, called the *Beacon*, which contained an attack on Stewart; but that affair was settled. Other attacks in the same paper followed, in which his "name was directly coupled with the word dastard,—with that of bully,—of sulky poltroon,—coward,—despised," &c. The *Beacon* was soon extinct; but another paper was started called the *Sentinel*, in the first number of which the attack on Stewart was renewed. He at length discovered, or supposed he did, that Boswell was the writer of one or more of these attacks. The Earl of Rosslyn, as Stewart's friend, had an interview with Boswell, who could have adjusted the difficulty with the Earl on liberal and honorable terms. But he declined the overture made to him. "I cannot submit to be catechised," said he; "I will make neither denial nor apology." A meeting, according to the code of honor, was thus rendered unavoidable.

Stewart expected to fall, but escaped. Boswell was killed. Stewart fled, leaving a message, that, if a prosecution was designed against him, he would return. He surrendered himself for trial, in accordance with his pledge. It was proved that the

duel was a *fair* one, and he was acquitted. His friend, the Earl of Rosslyn, as well as Mr. Douglas, the second of Sir Alexander, were witnesses at the trial. The verdict of acquittal was received with loud cheers.

He became involved in speculations soon after, and came to America. After his return, he published an account of his travels in the United States, and was the editor of the *Courier*, a paper which supported the Liberals. During the administration of Lord Melbourne, he was appointed "Factory Inspector," and discharged his duties in a manner satisfactory to all parties. He died in 1849, at the age of seventy-four.

BOTHWELL, JAMES HEPBURN, Earl, and Duke of Orkney. General challenges, in 1567, to all gentlemen of good fame, who accused him of participation in the murder of Lord Darnley, the husband of Mary of Scotland.

The first challenge was contained in a published writing immediately after his trial and acquittal. No one appears to have accepted it. The second cartel was at the head of Mary's army, and on the eve of a battle with the troops of the nobles who had confederated against her. The queen's soldiers were irresolute, and discovered no inclination to engage; she wept, threatened, and reproached them. Bothwell, at this juncture, sent to his adversaries a defiance, offering to decide the quarrel, and to prove his own innocence, in single combat. Kirkaldy of Grange, Murray of Tullibarden, and Lord Lindsay, contended for the honor of entering the lists against him. Robertson, from whom this account is derived, remarks, that this challenge proved to be a mere bravado; that Bothwell's sense of guilt, or Mary's command (whose husband he then was), prevented the duel. But Chalmers states, that Bothwell declined to meet *two* Murrays, because they were inferior to him in rank; that he gave a defiance to Morton by name, that Morton is said to have accepted, and selected to fight on foot, with two-handed swords; that Lord Lindsay, by Morton's consent, assumed the quarrel, and that the Queen is said to have commanded both to desist.

BOUCICAULT, Marechal de, of France, and Governor of Genoa. Challenge, in 1403, to the Doge of Venice, or to Carlo Zeno, one of the most distinguished Venetians of the time. Boucicault and Zeno were in command of opposing fleets, — Greece and Venice being at war. After a battle, Zeno, in a despatch to the Signory, claimed the victory, and added, that, if his officers had



performed their duty, not one vessel of the Genoese fleet would have escaped him. The haughty Boucicault could ill brook the statements of his enemy, and replied to them in a long and intemperate cartel, addressed not only to Zeno, but to the Doge of Venice. In this communication, he gave them the lie direct; and, to establish his own contrary assertions, — confiding, as he declared, in divine justice, in the blessed Mother of God, and in St. George, — he challenged either of them to meet him in the lists, offering advantage of numbers, — fighting with five against six; ten against twelve, fifteen against eighteen, twenty against twenty-four. Or, to settle the disputed question of naval superiority, he would meet galley against galley, on the condition that his own vessel should be manned exclusively by Genoese and French, and that of his antagonist by Venetians. Neither challenge was accepted. Boucicault probably had been, or subsequently was, engaged in a duel at Padua, in the presence of many noble Venetians. (See *Galeazzo*.)

BOULIGNY, HENRY, and — CUMMINGS. In 1851, at or near New Orleans. Boulinny killed.

BOURBON, Duke of. See *Charles X. of France*.

BOURKE, JOHN, of Glinsk, and AMBY BODKIN. In Ireland, date not ascertained. The parties fought, principals and seconds, at ten paces, with pistols, at right angles, and all fired on a signal from an umpire. A child of Bourke (subsequently Sir John Bourke) was held upon a man's shoulder to see "papa fight." The two principals were slightly wounded at the first fire, and at the second the seconds and Bodkin were severely hurt; but no lives were sacrificed. Several of Bourke's servants were present.

BOUDEVILLE, FRANCIS DE, Count, of the ancient and illustrious family of Montmorenci, and one of the noted duellists of France, in the seventeenth century. Four persons of consideration fell by his sword in three years; namely, M. Pontgibaud, in 1624; Count de Thorigny, and the Marquis Desportes, in 1626; and M. Lafrette, in 1627. After the fall of the last, he and the Count des Chappelles, his second, fled to Brussels, where he was pursued by the Marquis de Beuvron, a relative of the Count de Thorigny, who determined to revenge his kinsman's death. An apparent reconciliation was, however, effected; though it is related that, at the moment they embraced in token

of forgiveness, Beuvron whispered to Bouteville, "I shall never be satisfied till I have met you sword in hand." Louis XIII. was solicited to pardon Bouteville, but refused; whereupon Bouteville exclaimed, that he "would fight in Paris, ay, and in the Palais Royal, too!" It so turned out. On his return to France, a duel of three against three was arranged between him and Beuvron, and the Palais Royal was selected as the place of combat. Beuvron was attended by Buquet, by his equerry, and by Bussy d'Amboise; Bouteville by Des Chappelles, by a cousin who was a constant companion in his duels, and by another gentleman. They fought with swords and daggers. Bussy fell by the hand of Des Chappelles, when the five survivors fled; Beuvron and Buquet to England, Bouteville and his cousin towards Lorraine. The king ordered a vigorous pursuit of the offenders; and Bouteville and his kinsman were overtaken and committed to the Bastile. Louis was importuned by the nobles and others, to pardon them. The Countess de Bouteville implored him, on her knees, to spare the life of her husband. Again, accompanied by the Princess of Condé, and three duchesses, the wretched wife renewed her supplications. The monarch was inexorable. Bouteville and his relative were executed. Francis Henry de Montmorenci, Duke of Luxembourg, a posthumous son of Bouteville, was early distinguished in war; and at the age of twenty was created a major-general by Anne of Austria. It is said that, after Turenne had fallen, and Condé retired, Luxembourg had no equal in France.

BOUVALLÉN, Mons. See *Dujarier, Mons.*

BOUVERIE, EDWARD, Member of Parliament, and Lord TANKERVILLE. In England, 1794. Bouverie was mortally wounded.

BOUVET, Mons. F. and Mons. ROGER DU FORD. In France, in 1850. Both were members of the Chamber of Deputies. They fought with pistols, without serious result to either. The meeting was in consequence of an angry personal discussion in the Chamber. It is stated that Bouvet is "one of the most distinguished and zealous members of the Peace Society"!

BOWIE, JAMES J., of Maryland. Lieutenant of dragoons, army of the United States. Killed in 1809, at New Orleans. Antagonist unknown.

BOWLINGLY, W. H. See *Roman, Charles.*

BOYD, —, a captain, and — CAMPBELL, a major in the British army. Both were officers of high standing. Campbell was a Scotchman of an ancient family. The duel in 1807, in Ireland. *They fought in the night-time, without seconds, at seven paces, and in a private room.* The dispute was trivial in the extreme. General Kerr had corrected Campbell's manner of giving an order. Campbell, in conversation about it, said that *he* was right, and the General wrong. Boyd, in reply, expressed the opinion, that "neither was correct, according to Dundas, which is the king's order." The whole provocation of Campbell consisted — as judicially appears — in the *manner* of Boyd's saying, "Yes, I do," in answer to his question, "Do you say I am wrong?"

Campbell's agony of mind, after the affair, was insupportable; and he resolved to surrender himself. In a letter to his friend, E. Thompson, Esq., he declared: "*I will die . . . . and suffer a violent and ignominious death for the benefit of my countrymen, who, by my unhappy exit, shall learn to abhor the too prevalent and too fashionable crime of duelling.*"

He was tried for murder, convicted, and executed in 1808. It is manifest from the proceedings, that, had he fought a common duel, he would have been acquitted. His offence was, not that he killed Boyd, but that he killed him *contrary to established rules*. This sufficiently appears, I think, from the reasoning of the judge who presided at the trial. In his charge to the jury, he remarked: —

"You must recall to your minds the words of the deceased Captain Boyd, namely: 'You have hurried me; I wanted to wait and have friends. Campbell, you are a bad man.' These words are very important; and if you deem them sufficiently proved, they certainly do away all extenuation. If you think them proved, the prisoner is most clearly guilty of murder; the deceased will then have been hurried into the field; *the contract of opposing life to life could not have been perfect.*"

It was shown in the evidence, that, after the dispute, the parties separated for several hours; that they quartered in a garrison where they had mutual friends who could have acted as seconds; and that Boyd maintained in his dying moments that Campbell was not fair. Efforts were made to procure the pardon of the unhappy officer; and a touching story of the exertions of his wife to move the royal clemency has been preserved.

BRADDOCK, EDWARD, a general in the British army, and Colonel GUMLEY, presumed of the same service. Horace Walpole

(speaking of Braddock's defeat and death, in the wilds of America, in 1755), in a letter to Sir Horace Mann, referred to his previous mention of the unfortunate General, and remarked, that he would then "complete the poor man's history." Braddock, he said, "once had a duel with Colonel Gumley, Lady Bath's brother, [Elizabeth Gumley, wife of William Pulteney, Earl of Bath,] who had been his great friend; as they were going to engage, Gumley, who had good humor and wit, (Braddock had the latter,) said, 'Braddock, you are a poor dog! here, take my purse; if you kill me, you will be forced to run away, and then you will not have a shilling to support you.' Braddock refused the purse, insisted on the duel, was disarmed, and would not even ask his life."

BRADSHAW, Ensign —. See *Huston, Lieut.*

BRAZER, M. C. See *Park, J. W.*

BREAUTE, CHARLES DE, a French gentleman of Caux, and a captain of a troop of horse. About the year 1600. He was a noted duellist of the time, and, of consequence, had been compelled to leave France. In the present case he arranged a combat of twenty French against twenty Flemish gentlemen. He slew his antagonist, an officer under the governor of Bois-le-duc, but was taken prisoner, and put to death by order of that functionary.

BRECKINRIDGE, JOHN C. See *Cutting, Francis B.*

BRIC, —, a member of the "Catholic Association," and Mr. HAYES, solicitor. In Dublin, 1827. Bric was slain.

BRIVES, MONS. M., and MONS. BERARD. In France, in 1849, with pistols. The seconds of the first were Mons. Baune and Lefont; of the latter, Mons. de Heckeren and Chapot. Brives fired first and missed; the pistol of Berard missed fire. The seconds interfered and put an end to the combat. The duel was the result of a stormy debate in the Chamber of Deputies, or Legislative Assembly of France. [See *Aguesseau* and *Bertholon*, for a particular account of this discussion.]

BRODERICK, HON. D. C., and J. CALET SMITH. In California, in 1852. The newspaper statement of the affair is, that "six shots were fired without any serious damage, when the parties separated" in amity.

BROOKS, WALTER, and Judge REED. In Mississippi, in 1851.

At the first fire, Reed's ball grazed Brooks's spine, but did not enter his body. Here the combat terminated.

BROWN, SIR MATHEW. See *Townshend, Sir John*.

BRUCE, JAMES, the celebrated traveller. Two affairs. The first, at Brussels, in 1757. On the second day after Bruce's arrival at that city, he was in company with a stranger, who was wantonly insulted by a third person. Bruce remonstrated with the aggressor, who, for his interference, challenged him. The invitation was accepted. The parties met; our traveller wounded his adversary twice, and fled from Brussels to Holland.

The second, in 1773, at Rome. Bruce, before he was consul at Algiers, had plighted his faith to a Scotch lady, and during his travels had remained true to his engagement. On his return from the East, he found that the lady had been united to the Marquis d'Accoramboni. He suddenly appeared at Rome, and desired the Marquis to apologize in writing for having married a lady who had been engaged to him. The Italian nobleman politely assured him that he would not have interfered had he known of the engagement. This declaration Bruce insisted should be expressed in a note. The Marquis declined. Thereupon, Bruce addressed him in a hostile letter. After complaining of the course of the Marquis, he says:—

"I am at least your equal, Marquis, and God alone can do me justice for the injury which you have done me. Full of innocence, and with a clear conscience, I commit my revenge to him; and I now draw my sword against you with that confidence with which the reflection of having done my duty, and the sense of the injustice and violence which I have suffered from you, without any reason, inspire me. At half past nine (French reckoning) I come in my carriage to your gate; if my carriage does not please you, let your own be ready. Let us go together to determine which of the two is the most easy,—to offer an affront to an absent man, or to maintain it in his presence."

This message was sufficiently savage. The Marquis replied: "When the marriage with Miss M., at present my wife, was contracted, it was never mentioned to me that there was a previous promise made to you, otherwise that connection should not have taken place." He added, that, upon his honor, he had not spoken of Bruce in any manner, his person not having been known to him. Thus ended the affair.

BRUCE, EDWARD, Lord of Kinloss, and the Earl of Dorset. In Netherlands, in 1613. Bruce was the second nobleman of the

name ; and Dorset, at the time of the duel, had not succeeded to the title, but was known as Sir Edward (or Sir George) Sackville.

I have found frequent references to this tragic affair, but no work within my reach contains an account of the difficulty which led to it. Chambers, who has woven an interesting story out of it, relates (with what departure from historical accuracy I have no means of determining) that Bruce was enamored of the Lady Clementina, Sackville's sister ; that, while Bruce was at Lord Dorset's house on a visit to his love, Sackville came home in a high state of intoxication and excitement, and, having grossly insulted Bruce, finally struck him in the face, in the presence of Lady Clementina ; that Bruce, for her sake, preserved a calm demeanor, and, though the words and the blow wounded his spirit to its depths, and turned his love for Sackville to gall and bitterness, yet had the affray been kept private, as he hoped it would, he would not, probably, have called him to an account ; that, most unfortunately, the occurrence obtained publicity ; and that Bruce was compelled, at length, to resolve upon calling Sackville out, because of the loss of the esteem of persons of his own rank, and of gentlemen generally. Chambers, in his story, relates further, that, subsequently, Sackville gave Bruce another blow, and thus rendered a duel unavoidable ; and that the meeting was appointed on the continent, in consequence of the king's knowledge of the first quarrel, and the determination which he had expressed to visit any transgression of the laws by either, with his severest displeasure. It is stated also, that Bruce took leave of his mother, and of the Lady Clementina, feeling that he should never see them more ; that, in consequence of his fall, life to both was ever a mere blank ; that the latter wore mourning and lived single for the rest of her days, while the former caused the heart of her son to be embalmed, and placed in a silver case, and kept it always before her upon her table ; and that, after the decease of the Lady Bruce, the silver case was deposited in the family vault, where it remained undisturbed till the year 1808, when it was removed for a short time, during some repairs upon the tomb.

To return to history. Burke cites from Clarendon, but does not narrate the *cause* of the duel.

"Sackville," says Clarendon, "entered into a fatal quarrel, upon a subject very unwarrantable, with a young nobleman of Scotland, the Lord Bruce, upon which they both transported themselves into Flan-

ders, and, attended by two surgeons, placed at a distance, and under an obligation not to stir but at the fall of one of them, they fought under the walls of Antwerp, where the Lord Bruce fell dead upon the place; and Sir Edward Sackville (for so he was called), being likewise hurt, retired into the next monastery which was at hand."

I find it said, that Bruce possessed a character without reproach, and promised, by his talents and excellent qualities, to occupy the very first rank in affairs; but that Sackville, on the other hand, was extravagantly fond of frolics, and, according to contemporary writers, "kept the streets of London in an almost perpetual broil." Whatever the truth as regards either nobleman, the combat was disgraceful to both. *They fought in a meadow, ankle-deep in water, and in their shirts.* Such an encounter ill became gentlemen, even early in the seventeenth century; and, with the duel between the Duke of Buckingham and Lord Shrewsbury, some fifty years later, should be cited to silence the outcries of horror of our British brethren, whenever the bravos of America, on the borders of civilization, use the bowie-knife, and strike down one another in the bridle-path.

The Earl of Dorset died in 1652. We have his own account of his fight with Bruce, in a letter to a friend, dated at Louvain, Sept. 8, 1613. It is here inserted. As will be seen, he vouches for its entire accuracy in the concluding sentence: "So may I prosper, as I have dealt sincerely with you in this relation." Whatever the reader's disgust of details of blood, let Sackville's relation be carefully studied and treasured, in order to possess a weapon of defence against aspersions often cast upon us abroad.

"We met at Tergosa, in Zealand, it being the place allotted for rendezvous; he being accompanied with one Mr. Crawford, a Scotch gentleman, for his second, a surgeon, and a man. There having rendered himself, I addressed my second, Sir John Heidon, to let him understand that now all following should be done by consent, as concerning the terms whereon we should fight, as also the place. To our seconds we gave power for their appointments, who agreed we should go to Antwerp, from thence to Bergen-op-Zoom, where in the midway but a village divides the States' territories from the Archduke's. And there was the destined stage, to the end that, having ended, he that could might presently exempt himself from the justice of the country, by retiring into the dominion not offended. It was further concluded, that, in case any should fall or slip, that then the combat should cease, and he whose ill fortune had subjected him was to acknowledge his life to have been in the other's hands. But in case one party's sword should break, because that could only chance by hazard, it was agreed that the

other should take no advantage, but either then be made friends, or else upon even terms go to it again. Thus these conclusions being each of them related to his party, was by us both approved, and assented to. Accordingly we embarked for Antwerp. And by reason, as I conceive, he could not handsomely, without danger of discovery, had not paired the sword I sent him to Paris; bringing one of the same length, but twice as broad; my second excepted against it, and advised me to match my own, and send him the choice, which I obeyed; it being, you know, the privilege of the challenged to select his weapon. At the delivery of the swords, which was performed by Sir John Heidon, it pleased the Lord Bruce to choose my own, and then, past expectation, he told him that a little of my blood would not serve his turn; and, therefore, he was now resolved to have me alone, because he knew (for I will use his own words) 'that so worthy a gentleman, and my friend, could not endure to stand by and see him do that which he must to satisfy himself and his honor.' Therefore Sir John Heidon replied, that such intentions were bloody and butcherly, far unfitting so noble a personage, who should desire to bleed for reputation, not for life; withal adding, he thought himself injured, being come thus far, now to be prohibited from executing those honorable offices he came for. The Lord, for answer, only reiterated his former resolutions; whereupon, Sir John, leaving him the sword he had elected, delivered me the other, with his determinations. The which, not for matter but manner, so moved me, as though to my remembrance I had not for a long while eaten more liberally than at dinner, and therefore unfit for such an action (seeing the surgeons hold a wound upon a full stomach more dangerous than otherwise); I requested my second to certify him I would presently decide the difference, and therefore he should presently meet me on horseback, only waited on by our surgeons, they being unarmed. Together we rode, but one before the other some twelve score paces, for about some two English miles; and then passion, having so weak an enemy to assail as my discretion, easily became the victor, and, using his power, made me obedient to his commands. I being verily mad with anger that the Lord Bruce should thirst after my life with a kind of assuredness, seeing I had come so far and needlessly to give him leave to regain his lost reputation, I bade him alight, which with willingness he quickly granted, and there in a meadow, ankle-deep in water at the least, bidding farewell to our doublets, in our shirts began to charge each other; having afore commanded our surgeons to withdraw themselves a pretty distance from us, conjuring them besides, as they respected our favors, or their own safeties, not to stir, but suffer us to execute our pleasure; we being fully resolved (God forgive us!) to despatch each other by what means we could. I made a thrust at my enemy, but was short, and, in drawing back my arm, I received a great wound thereon, which I interpreted as a reward for my short shooting; but in my revenge I pressed into him, though I then missed him also, and received a wound in my right pap, which passed level through my body, and almost to my back. And there we wrestled for the two great



est and dearest prizes we could ever expect trial for,—honor and life. In which struggling, my hand having but an ordinary glove upon it, lost one of her servants, though the meanest. But at last breathless, yet keeping our hold, there passed on both sides propositions of quitting each other's swords. But when amity was dead, confidence could not live, and who should quit first was the question, which on neither part either would perform; and restraining again afresh, with a kick and a wrench I freed my long captive weapon, which incontinently levying at his throat, being master still of his, I demanded if he would ask his life, or yield his sword, both which, though in that imminent danger, he bravely denied to do. Myself being wounded, and feeling loss of blood, having three conduits running on me, which began to make me faint, and he courageously persisting not to accede to either of my propositions, through remembrance of his former bloody desire, and feeling of my present estate, I struck at his heart, but, with his avoiding, missed my aim, yet passed through the body, and, drawing out my sword, re-passed it again through another place, when he cried, 'Oh! I am slain!' seconding his speech with all the force he had to cast me. But being too weak, after I had defended his assault, I easily became master of him, laying him on his back. When being upon him, I redemanded if he would request his life; but it seemed he prized it not at so dear a rate to be beholden for it, bravely replying, 'He scorned it.' Which answer of his was so noble and worthy, as I protest I could not find in my heart to offer him any more violence, only keeping him down until at length his surgeon, afar off, cried, 'He would immediately die if his wounds were not stopped.' Whereupon I asked if he desired his surgeon should come, which he accepted of; and so, being drawn away, I never offered to take his sword, accounting it inhuman to rob a dead man, for so I held him to be. This thus ended, I retired to my surgeon, in whose arms, after I had remained awhile, for want of blood, I lost my sight, and withal, as I then thought, my life also. But strong water and his diligence quickly recovered me; when I escaped a great danger; for my Lord's surgeon, when nobody dreamt of it, came full at me with his Lord's sword; and had not mine with my sword interposed himself, I had been slain by those base hands; although my Lord Bruce, weltering in his blood, and past all expectation of life, conformable to all his former carriage, which was undoubtedly noble, cried out, 'Rascal, hold thy hand!' So may I prosper, as I have dealt sincerely with you in this relation."

BRUNSWICK, HENRY, Duke of. Challenge, in 1528, to ANDREA GRITTI, Doge of Venice. When the Duke despatched his cartel of defiance to single combat, he had approached the Venetian frontier, and had made an unsuccessful diversion in the Veronese. The affair between the Emperors Francis and Charles (which some writers assign as the origin of modern duelling) occurred only the previous year; and his grace of Brunswick seems to

have possessed the low ambition of imitating the French monarch under circumstances that brave men of the time must have ridiculed; for *his challenge was to a man who was more than eighty years of age.*

BRUNTFIELDS, —, sons of the Laird of Craig-house. See *Carmichael, James.*

BRYANT, SAMUEL H., and — —. In 1814. Bryant was a native of North Carolina, and a lieutenant in the army of the United States. He was killed.

BUCK, —, Lieutenant, army of United States. See *Moore, Thomas.*

BUCKINGHAM, OWEN, member of Parliament, and WILLIAM ALDWORTH. In England, in 1719 or 1720. They quarrelled "after having drank too freely," and fought in the dark. Buckingham was killed.

BUCKINGHAM, Duke of. See *Bedford, Duke of.*

BUCKINGHAM, Duke of. See *Shrewsbury, Earl of.*

BUCKINGHAM, Lord. See *Townshend, George.*

BUCKINGHAMSHIRE, Lord. See *Curran, John Philpot.*

BUCKINGHAMSHIRE, SIR HENRY, Baronet, and OLIVER LE NEVE. In England in 1699. Buckinghamshire mortally wounded. He was with King William in the battle of Boyne, 1690, as one of his Majesty's aids. At his decease, he was a member of Parliament.

BUGEAUD, THOMAS ROBERT, a Marshal of France. See *Dulong, Mons.*

BULL, OLE BORNEMAN, one of the greatest musicians of modern times. About the year, probably, 1838. His antagonist was a fellow-artist, and was mortally wounded.

BUNBURY, REV. SIR WILLIAM, and "TOM HARVEY." In England, 1753. Walpole, in a letter to George Montague, wrote: —

"Tom Harvey, who always obliges the town with a quarrel in a dead season, has published a delightful letter to Sir William Bunbury, full of madness and wit. He had given the doctor a precedent for a clergyman's fighting a duel, and I furnished him with another story of the same kind, that diverted him extremely," &c.

BURQUET, Mons. See *Bouteville, Count Charles*.

BURGUNDY, the Duke of. Challenge, in 1425, to the Duke of Gloucester, who held Hainault, of which the challenger wished to obtain possession. The defiance was accepted, and a day appointed, but I find no account of a duel.

BURDETT, SIR FRANCIS, and JAMES PAUL. In England, 1807; the former wounded. The two gentlemen met in consequence of "a misunderstanding about the former being chairman of a dinner to be given to the latter." Mr. Paul was much before the public, at this period, as the accuser of the Marquis of Wellesley, and as a candidate for the representation of Westminster in Parliament. In 1808 he committed suicide.

BURLINGTON, Lord, and Lord EUSTON. In England, 1741. Burlington challenged Euston, and the challenge was accepted, but the meeting was prevented.

BURR, AARON, Vice-President of the United States. See *Hamilton, Alexander*.

BURROWES, PETER. See *Butler, Hon. Somerset*.

BUTLER, HON. SOMERSET, and PETER BURROWES, a barrister at law. In Ireland, near Kilkenny.

Barrington gives an amusing story of the meeting between these gentlemen, of which I note the substance. Butler was an accomplished duellist; Burrowes was not. The distance ten paces; the weapons pistols. Butler's ball struck Burrowes's body, and he dropped down. Butler fled. The surgeon was called, Burrowes's clothes were ripped up, and his wound pronounced mortal. The dying man groaned, tried to recollect some prayer, if possible, or a scrap of his catechism. Brother barristers present sighed heavily; he was about departing to another, and, as they endeavored to persuade him, to a better world. The spectators closed in to see him die! Lo! the surgeon, after a second examination, produced the bullet fired by Butler, which, having rattled among the gingerbread, nuts, &c., with which Burrowes's waistcoat-pocket was filled, struck a copper coin, and became flattened. Of course he was not hurt: suspending his prayers, and rising from the ground, he departed, happy in his escape from death.

BYNUM, JESSE A., member of Congress from North Carolina. See *Cilley, Jonathan*.

BYNUM, ———, and ——— PERRY. In North or South Carolina, 1832. The first was editor of the Greenville Sentinel, the other of the Greenville Mountaineer. Bynum was mortally wounded, and died in great agony.

BYRNE, JOHN. See *Mountgarret, Lord*.

BYRNE, EDMUND. See *Miller, William, Jun.*

BYRON, Lord WILLIAM. See *Chaworth*.

CADWALLADER, JOHN. See *Conway, General Thomas*.

CÆSAR, JULIUS. See *Antony, Marc*.

CAHILL, ———. See *Rutherford*.

CALIFORNIA : *Constitutional provision* : —

"Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage, under this Constitution."

CALDWELL, Doctor. See *O'Sullivan*.

CALLIER, General. See *Soule, Pierre*.

CALVERT, PETER, an officer in the army of William III. of England, and of the family of Calvert of Albury Hall. Slain in a duel at Chester.

CAMELFORD, Lord THOMAS, and Captain BEST. In England, near "Holland House," in 1804. Lord Camelford, who was an eccentric man, and who confessed himself the aggressor, was slain. He was found weltering in his blood, deserted by his seconds. He was the second of that name, and but twenty-nine years of age. I suppose that he enjoyed the title in 1798, when a Lord Camelford deliberately shot dead Lieutenant Paterson, in the naval yard at Antigua, upon a point of disputed rank ; but was "honorably acquitted" by a court-martial, on the ground that Paterson's conduct was mutinous.

Captain Best was reputed a fatal marksman. A short time previous to the duel, he had killed a man by the accidental discharge of a pistol. Best was miserable ever afterward. He died at forty-eight, a perfect wreck. "In his closing hours, he declared that the recollection of the duel and its results had embittered every moment of his life, that the whole scene was fresh in his

memory, as if it had happened yesterday, and that there were times when Lord Camelford seemed to stand before him, and gaze on him with an earnestness and tenacity that rendered life a burden."

CAMP, J. J., Major. See *Woolfolk, General Sowell*.

CAMPBELL, Major. See *Boyd, Captain*.

CAMPBELL, Colonel. See *Coffin, John*.

CAMPBELL, ——. In 1833. According to Niles's Register, he was Attorney of the United States for Florida, and was killed in a duel.

CAMPBELL, SIR COLIN, and the Lord of LORN. Campbell was the ancestor of the Duke of Argyle, and was knighted by Alexander III., in 1280. He was slain by his powerful neighbor, the Lord of Lorn. An obelisk was erected over his grave.

CANINO, CHARLES BONAPARTE, Prince of, and a son of the Count Rossi. In France, in 1851. The circumstances are thus stated : —

" Charles Bonaparte, Prince of Canino, and formerly President of the Roman Assembly, has been frequently assailed indirectly with odious imputations, as having instigated the murder of Rossi. Viscount Arlincourt, who has written a reactionary book about Italy, let drop in the pages of his *Italie Rouge* some atrocious insinuations to this effect, for which he was recently fined. Stirred up by such hints, and worked upon by the blind fury of the foes of the revolution, the second son of Count Rossi lay in wait for an occasion to avenge his father's death. Charles Bonaparte was dining with a friend at a café on the Quai d'Orsay, when the waiter announced to him that a gentleman outside wished to speak with him. Prince Canino required his name, and, being refused, begged the mysterious stranger to wait till he had finished dinner. Rossi sat down at one of the little tables outside the café, and when his adversary came out marched up to him, saying, ' You are the Prince of Canino.' Having received an answer in the affirmative, he aimed a blow at the Prince's face. Mediators interposed to prevent the scuffle from going further, and the principals were led off in different directions. They met again in the Park at Versailles, and exchanged a couple of pistol-shots each, at thirty and fifteen paces, without effect. The seconds then declared the requisitions of honor satisfied."

CANNING, GEORGE, and Lord CASTLEREAGH. In England, 1809. The parties met on Putney Heath ; Mr. Canning, attended by Charles Ellis (afterward Lord Seaford) ; and his lordship by Lord Yarmouth (subsequently the Marquis of Hertford).

They fought in sight of the windows of the house in which Pitt died. They fired by signal, and missed. The seconds attempted to effect an accommodation : they failed ; but declared that, after a second shot, they would retire from the field. At the next fire, Castlereagh's ball entered Mr. Canning's thigh on the outer side of the bone. Napier says the wound was severe ; another writer, that it was slight. As it is believed that Mr. Canning personally surrendered the seals of the Foreign Office twenty days after (Oct. 11), at the royal levee, his injury was not, probably, very serious.

According to some accounts, the two statesmen assumed their places for a third shot, when the seconds, seeing the blood streaming from Mr. Canning's wound, interfered, and put an end to the combat. Mr. Canning, in the opinion of his biographer, might have declined Lord Castlereagh's challenge, on very obvious grounds, but accepted it, because he thought that his lordship's letter precluded explanation. Bell remarks, also, that Wilberforce blamed Castlereagh, and that Sir Samuel Romilly blamed both.

The affair did not terminate on Putney Heath. Mr. Canning was compelled to publish a statement of the whole transaction, in answer to certain strictures of Lord Camden ; while Lord Castlereagh's secretary issued a "detail" of the "original cause of the animosity," which was answered by Mr. Canning.

This duel, politically, was of no small consequence, since it occasioned the dissolution of the ministry. The difficulty between the immediate parties is probably stated with accuracy by Wade.

"Mr. Canning," he says, "had some months previously addressed a letter to the Duke of Portland, the head of the administration, informing his grace that he should resign the Foreign Secretaryship, if Lord Castlereagh continued to hold the Secretaryship of War, for which department Mr. Canning thought Lord Castlereagh unfit.

"The Duke of Portland, either from not coinciding in opinion with Mr. Canning, or wishing, himself, from the infirmities of age, to retire from the ministry, delayed to act on the suggestion of Mr. Canning, though he promised that it should be carried into effect. Meantime, no communication was made to Lord Castlereagh, and Mr. Canning continued to act with him in the cabinet, even while the important expedition to Walcheren was being prepared, without openly avowing any objection to the official competence of his colleague.

"Under these circumstances, his lordship considered that he had been treated with duplicity, and demanded satisfaction."

In 1818, Mr. Canning had a personal disagreement with Sir Francis Burdett, in consequence of a letter of the baronet to the chairman of the "Reform Dinner." A duel was anticipated, and possibly arranged; but friends effected a satisfactory adjustment.

CANNON, —, and PIERSON, —. At or near Havana, in 1819. Both midshipmen in the navy of the United States, and at the time of the meeting attached to the ship John Adams. Cannon killed on the spot.

CARASCOSA, General. See *Pepe, General*.

CARDIGAN, JAMES THOMAS, Earl of, and Captain HARVEY G. P. TUCKETT. In 1841, on Wimbledon Common, England. The parties met with pistols, at twelve paces. Tuckett was wounded at the second shot.

Lord Cardigan was tried at the bar of the House of Lords and acquitted, on the ground that the proof failed to establish the identity of Tuckett, as set out in the indictment. Lord Denman, as Lord High Steward, sat as judge. The bishops were, upon their request, excused from answering. The Duke of Cleveland answered, "Not *legally* guilty, upon my honor"; all the other peers said, "Not guilty, upon my honor," in the usual form.

CARDOGAN, Captain. See *Paget, Lord*.

CAREY, MATHEW, and Colonel OSWALD. In 1785, in Pennsylvania. The parties were editors of newspapers in Philadelphia, of opposite politics. The political discussions of the time were conducted with much asperity, and Oswald indulged in remarks in his columns which Carey resented, and which induced him to send a challenge. In the combat that followed, Carey was severely wounded. Singular to remark, he commenced authorship by the publication of an essay on duelling.

CARLISLE, Earl of. See *Lafayette, Marquis of*.

CARMICHAEL, JAMES, and the BRUNTFIELDS, of Scotland. There is an interesting story founded on the murder of Stephen Bruntfield, Laird of Craig-house, and a zealous partisan of Mary of Scotland, by James Carmichael, a friend successively of Murray and Morton. The tale is founded, I suppose, upon facts of history. Chambers, who relates it, quotes from "Bird's Diary," and gives extracts "from notes of a conversation on local antiquities, with Sir Walter Scott," in 1824.

It appears, by the tradition mentioned by Sir Walter, that Stephen Bruntfield left three sons, who were trained by their mother to challenge and fight Carmichael, as each of them should arrive at the years of manhood, to avenge their father's murder; that two fought Carmichael, and were slain, and that the youngest son obtained the royal leave to meet the mortal foe of his family in public lists, on the island of Cramond, where a vast assembly of people from every part of Scotland met to witness the combat. In this — the third duel — Carmichael was killed on the spot.

The Diary, as quoted, omits an account of one combat. The first, as stated, was with the son Stephen, in December, 1596, on St. Leonard's Craigs; and the third, — with the son Adam, — "who purchased a license of his Majesty," was in March, 1597, "in Barnboughe Links, before about five thousand gentlemen." "And," concludes the quaint chronicler, "the said Adam, although but a young man, and of mean stature, slew the said James Carmichael, he being as able a lyke man as was living."

CARNE, RICHARD, of England. In Holland. He was slain. He was of the family of Carne of Nash, and of the lineage of Clemen ap Bledri, King of Cornwall.

CARREL, ARMAND, a literary character of merit, of France. Two duels. In 1832, having reflected upon the honor of the Duchesse de Berri, he was involved in an affair with one of her chivalric defenders, and was severely wounded by the sword of his adversary.

In 1836, he fought a second time with Emile de Girardin, and was killed. His remains received a public funeral, and several orations and eulogies were pronounced over his grave.

CARRION, brothers and Counts of. See *Bivar*, *Don Rodrigo*.

CARROLL, E. T., and J. M. BARBAGON. At or near New Orleans, in 1852, with rifles. After the second fire, the affair was amicably settled. Carroll is editor of the *Crescent*.

CARSON, —. See *Vance*, —.

CARTER, W. H., and H. DE COURCEY. In California, in 1852. De Courcey, editor of the *Calaveras Chronicle*; he was shot through the body.

CARY, Sir ROBERT, of Torr Abbey, England. Early in the



reign of Henry V. a knight of Aragon, who had won great fame by his feats of arms on the Continent, went over to England, and gave a general challenge to men of rank and quality. Sir Robert consented to meet him, and after a long and cruel encounter, in Smithfield, London, vanquished him. The family estate of Sir Robert had been confiscated, by reason of the devotion of his father to Richard II., but was restored by Henry as a reward.

CASTINE, Cornet. See *Moore, Dudley*.

CASTLEREAGH, Lord Viscount. See *Canning, George*.

CAVENDISH, Lord FREDERIC. See *Shelburne, Earl of*.

CAVOIE, PHILIP D'OGER, Marquis of. A French nobleman who flourished in the second half of the seventeenth century. He became known as the "brave Cavoie," in consequence of his gallant bearing in the duels in which he was engaged. He seems to have escaped punishment for his own affairs of honor, but was imprisoned for acting as second in the quarrel of another. His release from the Bastille was owing to a maid of honor of the queen of Louis XIV., of the name of Coetlogon, who had become madly in love with him, and to whom he was married. The Marquis died in 1716, at an old age. It is said, that—"a fashionable gladiator"—he was one of the handsomest men in France, and dressed with singular elegance.

CAY, or KAY, of England. There is a tradition, that the ancestor of the family of Cay of Charlton Hall, county of Northumberland, lost the ancient patrimony in consequence of a duel. The substance of the story is, that this ancestor, and a gentleman with whom he had a quarrel, agreed to meet in single combat, within the pound-fold of Alnwick; that they locked the door or gate on entering, and threw the key over the wall; that Cay slew his adversary, and, climbing the wall, fled; that his estates were forfeited, and that he lived ever after in poverty.

CAZETES, Mons. See *Barnave, Ant. Pierre Jos. Marie*.

CEARNACH, CONNAL, and CEAT. Very possibly the story is fabulous. The former is represented as the most valiant champion of Europe, and as second in command of the army of Conner, King of Ulster (Ireland), and Ceat as commander of the army of Connaught, in the "memorable seven years' war" *prior to the Christian era*. They met in mortal duel.

"Ceat, . . . having overthrown three of the bravest champions of Ulster, in single combat, sent a herald to Connal Cearnach, to challenge him to a personal conflict, which was instantly accepted. For two days, we are told, the contest between these chivalrous heroes lasted, of which both the armies of Connaught and Ulster were spectators. Although Ceat was slain first, he sold his life at the dear price of his rival's, for Connal lost so much blood in the fierce and desperate struggle, that he fell down exhausted, in a swoon, upon the body of Ceat."

CHAISTAIGNERIE, Mons. See *Jarnac, Mons.*

CHALAIS, Mons. See *Frettes, La.*

CHAPPELES, Count of. See *Bouteville, Count Charles.*

CHARLES, King of France. See *Richard II. of England.*

CHARLES V., Emperor of Germany. See *Francis I., King of France.*

CHARLES X., King of France, and the Duke of BOURBON. In the year 1778, when the king was known as the Count d'Artois. The offence was on the part of the Count, who, at a ball in the opera hall, Paris, pulled off the mask worn by the Duchess of Bourbon. The Duke, who was a Conde, and father of the Duke d'Enghien, for his challenge to the Count, was banished to Chantilly.

CHAVOIX, Mons. See *Dupont, Mons.*

CHAWORTH, —, and WILLIAM, Lord BYRON. In London, in 1765. The parties had a dispute at a public dinner, relative to the quantity of game on their respective estates. But the difference did not seem serious to the gentlemen present, and no apprehensions were entertained that it would proceed further. The company dispersed at an early hour in the evening, when Lord Byron invited Mr. Chaworth into a vacant room, in the inn or hotel where they had dined, took a candle from a servant, told Mr. Chaworth to defend himself, and drew his own sword.

Mr. Chaworth received a stab in his body fourteen inches deep, and was mortally wounded. He was carried to his residence in London, and immediately executed his will. He expired the morning after the duel.

The circumstances of the combat, the meeting without seconds and by candle-light, occasioned much excitement against Lord Byron, and suspicions were raised, that he drew his sword and made a pass with it before his antagonist was allowed time

to draw his weapon entirely from the scabbard. But his lordship did not attempt to escape.

The case was considered so equivocal, that he was arrested, and tried before his peers in Westminster Hall. He behaved with decorum, but appeared shocked and humbled. The trial lasted two days. The Dukes of York and Gloucester were present. Four of the noblemen, namely, Lords Beaulieu, Falmouth, Despensers, and Orford, acquitted him entirely; but one hundred and twenty others answered that he was guilty of manslaughter. He plead his peerage, and escaped, by his privilege, "burning in the hand." According to one writer, he was "discharged upon simply paying his fine"; another says, that he was set at liberty "on payment of fees"; while in the State Trials it is said that he was released, "having undergone one day's confinement."

Though he was *legally* acquitted of murder, he suffered the punishment of public opinion; and was consigned to a life of seclusion and obscurity. He was the fifth Lord Byron, and great-uncle of the poet. He died in 1798.

The strongest and most lasting attachment of Lord Byron, author of "Childe Harold," was to Mary Chaworth, the daughter of Lord William's antagonist. This lady, who was two years older than his lordship, regarded his love as the passion of a schoolboy, and married another. The event caused the poet the keenest bitterness, and he never alluded to it without suffering. His disappointment had an influence upon his whole life.

**CHEETHAM, JAMES.** Challenge to William Coleman, in 1804. These gentlemen were among the leading editors of the day. Both lived in New York. The first, a Democrat, conducted the *American Citizen*, the organ of his party; the latter was editor of the *Evening Post*, a Federal paper of great influence.

The cartel of Cheetham was in consequence of an altercation in the two newspapers. The state to which the quarrel came at last, transpired so far as to be understood or suspected by distinguished gentlemen of the Federal and Democratic parties, who interposed to prevent a meeting. But Coleman, for not fighting in this case, was involved in another affair, in which his antagonist was slain. See *Thompson, Captain*, and *William Coleman*.

**CHETWYND, WILLIAM.** See *Walpole, Horace*.

**CHICKLEY, Captain.** See *Stanly, John*.

**CHOLAT, MONS.** See *Aguesseau, Mons. Segur d'*.

CHRICHTON, JAMES, surnamed the "Admirable," for his wonderful feats, and deeds of generosity. Towards the close of the sixteenth century. He challenged a gladiator of Mantua, who, by his great skill with the sword, had vanquished the most celebrated masters of that weapon in Europe, and who had just slain three antagonists. The victor in the combat, by Chrichton's terms, was to receive from the other a purse of fifteen hundred pistoles. The gladiator was killed. The money won by his fall was presented by the "Admirable" to the widows of the three adversaries above mentioned.

CHRISTIE, —, Barrister at Law. See *Scott, Editor London Magazine*.

CHUDWORTH, Colonel. See *Aldworth*, —.

CID, The. See *Bivar, Don Rodrigo (Ruy) Diaz, Count*.

CILLEY, JONATHAN, and WILLIAM J. GRAVES. In Maryland, near Washington, in 1838. The parties were members of the House of Representatives; the first from Maine, the last from Kentucky. Among the gentlemen present at the meeting were six other members of Congress; namely, Messrs. Crittenden and Menefee, of Kentucky; Wise, of Virginia; Duncan, of Ohio; Bynum, of North Carolina; and Jones, of Wisconsin.

This was a combat under the duello, upon a mere point of honor. There was no difficulty between Messrs. Graves and Cilley, at any time. Even upon the ground, after an exchange of shots, the latter declared, that he entertained for Mr. Graves "*the highest respect, and most kind feelings*."

Mr. Cilley fell mortally wounded, with these sentiments upon his lips. It has been suggested that, as there was no personal animosity between these gentlemen, a single fire should have satisfied Mr. Graves, and that, by twice renewing the challenge, the duel was pushed to an unusual, perhaps to an unjustifiable, extremity. Possibly, the intimation is not destitute of force. But since no condemnation of the course pursued has been pronounced by persons versed in the duello, and since the affair was actually conducted throughout by persons of this description, we are required to believe that Mr. Cilley was slain in accordance with the code.

In this view of the case, how very deplorable the law which demanded, or seemed to demand, two members of the national councils, of unquestioned character, to meet in a combat, which,

under the circumstances, was almost sure to terminate only with the fall of one or both of them.

The challenge was given because Mr. Cilley declined to accept a note from Colonel Webb, borne by Mr. Graves, "on grounds which would exonerate Mr. Graves from all responsibility growing out of the affair." This Mr. Cilley could not do, without an admission that, in his remarks in the House relative to Colonel Webb, he had slandered that gentleman; and thus, as said Mr. Williams of Maine, in announcing his death in the Senate, "he accepted the call, because the act was *indispensable*, to avoid disgrace to himself, to his family, and to his constituents."

The supposition, that the letter of Mr. Graves of February 20, and the reply thereto, by Mr. Cilley, of the following day, raised a question of veracity, and thus introduced a new element into the case, is without the least foundation, as will be seen from the correspondence, and the official paper appended to this notice.

The decease of Mr. Cilley was announced in both houses of Congress, on the 26th of February, and his remains were interred from the Hall of Representatives, on the next day. On the 1st of March, a committee of seven members of the House was appointed, "to investigate the causes which led to his death, and the circumstances connected therewith." The report of this committee was not made until the 25th of April. It contains a minute account of everything which occurred, and is well worthy of a careful study, not only as embracing an authentic statement of facts, but as showing the odious, the inhuman custom of duelling, as it exists in the highest walks of American society.

This fatal combat gave rise to a most intense excitement, and accusations of an appalling nature were freely circulated against some of the actors in it; but not one of the charges, it is confidently believed, rests upon competent evidence. There was a stern, an unrelenting adherence, even, to stern and unrelenting rules, on the part of the principals and their friends,—nothing more. In my judgment, the sole motive of all was "to avoid disgrace." We are to blame, then, the public sentiment which demanded this course of conduct.

I knew Mr. Cilley well. He was a man of chivalrous feelings and of proud bearing. He seemed never to forget that he was of the lineage of an honorable and ancient family, that his grandfather was a general officer in the Revolution, and that his

brother led the charge of the gallant Miller, at the battle of Bridgewater, in the war of 1812.

"The committee appointed to investigate the causes which led to the death of the Hon. Jonathan Cilley, late a member of the House of Representatives, and the circumstances connected therewith, and to inquire whether there has been, in the case alluded to, a breach of the privileges of the House, and to whom were referred sundry memorials on the subject, now ask leave to submit their report.

"In discharging the trust committed to them by the House of Representatives, the committee have endeavored implicitly to obey its order, neither stopping short, on the one hand, of the full measure of the duty imposed upon them, nor transcending its just limits on the other. They were of the opinion that the investigation was instituted solely for the maintenance of the privileges of the House. It was not within the province of the House of Representatives to investigate the causes which led to the death of one of its members, or the circumstances which attended it, with a view to the punishment of any offender for a high crime or misdemeanor. That belongs, in every case, exclusively to the courts of law. Senators and representatives are not privileged from arrest in cases of 'treason, felony, and breach of the peace'; and it is a constitutional provision, that 'in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for the defence.'

"The inquiry, therefore, is directed to one object only, — the maintenance of the privileges of the House; and the question is, What, in that view, were the causes which led to the death of Mr. Cilley, and the circumstances connected therewith, and did they involve a breach of those privileges?

"In pursuing this investigation, the committee have examined all whose testimony, there was reason to believe, might be material; and Messrs. Graves, Wise, and Jones, members of the House, were permitted to attend, and to examine and cross-examine the witnesses; and the same leave was extended to Mr. Menefee, of the House, and to Mr. Pierce, of the Senate, at their request. The entire mass of the testimony is now submitted as a part of this report. One witness, Daniel Jackson, of the city of New York, who was summoned to attend, and called upon to testify, has neglected to obey the requisition, though he appeared before the committee, and interrogatories were put to him; but from the position in which he stood, and the disclosures of another witness, it was not thought worth the time or attention of the House, or of the committee, to notice him further.

"The late Jonathan Cilley, a member of the House, from the State

of Maine, fell by the hand of William J. Graves, a member of the House from the State of Kentucky, in a duel fought with rifles, near the boundary line between the District of Columbia and the State of Maryland, on Saturday, the 24th of February last.

"The causes which led to his death are intimately connected with the proceedings of this House. On the 12th of February Mr. Wise, of Virginia, presented to the House a publication in the *New York Courier and Enquirer*, charging a member of Congress with corruption upon the authority of an anonymous writer under the signature of the 'Spy in Washington'; and thereupon moved a resolution for the appointment of a select committee, with power to send for persons and papers, to inquire into the charge. Mr. Wise said: 'The character of the authority upon which the charge is made is vouched for as respectable and authentic by the editor of the *Courier and Enquirer*, in whose paper it appears, and the House is called upon to defend its honor and dignity against the charge.'

"Mr. Cilley addressed the House in opposition to the resolution. In the course of the debate he said, 'He knew nothing of this editor; but if it was the same editor who once made grave charges against an institution of this country, and afterward was said to have received facilities to the amount of \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress.' These words, spoken by Mr. Cilley in debate, were strictly in order, were pertinent to the subject under discussion, and 'did not exceed the bounds and limits of his place and duty'; and though they implicated a doubt inconsistent with unblemished honor and character in the person alluded to, yet Mr. Cilley was justified in the use of them, by a report of a committee of the House of Representatives, appointed on the 14th of March, 1832, to inspect the books and examine into the proceedings of the Bank of the United States. An extract from the report, made by the majority of the committee, and published by order of the House of Representatives, is hereby annexed, in which it is stated, that 'for sixteen months' the *New York Courier and Enquirer* 'was warmly opposed' to the Bank of the United States; that on the 26th of March, 1831, and within less than nine months thereafter, the bank made three loans, amounting 'to the sum of \$52,975, which consisted of notes drawn and indorsed by the editors only'; and that 'on or about the 8th of April, 1831, it (the paper) changed its course in favor of the bank.'

"It was in reference to the facts contained in this report, and published to the world by order of the House of Representatives, that Mr. Cilley spoke the words which have been already recited; and for thus alluding to facts put forth in the published documents of that body, of which he was a member, he was called in question by the editor of the *New York Courier and Enquirer*. James Watson Webb, on the 12th of February, addressed a note to him, reciting those words, apprising him that the writer of it was the editor of that paper, and concluding with a demand of explanation, couched in very explicit terms.

*"Gadsby's Hotel, Washington, February 21, 1838."*

"SIR, — In the Washington Globe of the 12th instant, you are reported to have said, in the course of the debate which took place in the House of Representatives on that day, growing out of a publication made in the New York Courier and Enquirer: 'He (you) knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress.'

"I deem it my duty to apprise you, sir, that I am the editor of the paper in which the letter from the 'Spy in Washington,' charging a member of Congress with corruption, was first published; and the object of this communication is, to inquire of you whether I am the editor to whom you alluded, and, if so, to ask the explanation which the character of your remarks renders necessary.

"Very respectfully, your obedient servant,

"TO THE HON. JONATHAN CILLEY.

J. WATSON WEBB.

"This demand of explanation, under the circumstances which existed, was not susceptible of misinterpretation, and, the sequel proves, was not misunderstood. Mr. Graves was the bearer of this note, having read it, and being fully apprised of its contents, and tendered it to Mr. Cilley, in the hall of the House of Representatives, while the House was in session. Mr. Cilley declined to receive it, and thereupon a brief correspondence ensued, which terminated in the challenge and death of Mr. Cilley by the bearer of this note. The first note of Mr. Graves was delivered by himself to Mr. Cilley, on the same day on which he bore the note of Webb, that is, on Wednesday, the 21st of February, 1838, and should have borne that date.

*"House of Representatives, February 20, 1838."*

"In the interview which I had with you this morning, when you declined receiving from me the note of Colonel J. W. Webb, asking whether you were correctly reported in the Globe, in what you are there represented to have said of him in this House, on the 12th instant, you will please say whether you did not remark, in substance, that, in declining to receive the note, you hoped I would not consider it in any respect disrespectful to me; and that the ground on which you rested your declining to receive the note was distinctly this: that you could not consent to get yourself into personal difficulties with conductors of public journals, for what you might think proper to say in debate upon this floor, in discharge of your duties as a representative of the people; and that you did not rest your objection in our interview upon any personal objections to Colonel Webb as a gentleman.

"Very respectfully, your obedient servant,

"HON. JONATHAN CILLEY.

W. J. GRAVES.

"It will be observed that the note which Mr. Graves bore is described by him as the note of Colonel J. W. Webb, asking whether Mr. Cilley



was correctly reported in the *Globe*, in what he was there represented to have said in the House of Representatives, on the 12th instant. But it will be perceived that the note itself, though it is thus described by Mr. Graves whenever he speaks of it afterward, does not contain that inquiry.

"Mr. Cilley, on the same day, personally delivered to Mr. Graves the following note in reply:—

"*House of Representatives, February 21, 1838.*

"The note which you just placed in my hands has been received. In reply, I have to state that in your interview with me this morning, when you proposed to deliver a communication from Colonel Webb, of the New York Courier and Enquirer, I declined to receive it because I chose to be drawn into no controversy with him. I neither affirmed nor denied anything in regard to his character; but when you remarked that this course on my part might place you in an unpleasant situation, I stated to you, and now repeat, that I intended by the refusal no disrespect to you.

"Very respectfully, your obedient servant,

"HON. W. J. GRAVES.

JONATHAN CILLEY.

On Thursday, the day following, Mr. Graves sent his second note to Mr. Cilley, which was delivered to him in his seat, during the session of the House, by Mr. Menefee, of Kentucky, the latter accompanying its delivery with an expression of the hope that Mr. Cilley would perceive the propriety of relieving Mr. Graves from a position which was painful to him. Mr. Cilley remarked that the note should be attended to. It is as follows:—

"*House of Representatives, February 22, 1838.*

"SIR,—Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient. Among other things in this, that, in your declining to receive Colonel Webb's communication, it does not *disclaim* any exception to him personally as a gentleman. I have, therefore, to inquire *whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor?* A categorical answer is expected.

"Very respectfully,

"HON. J. CILLEY.

WM. J. GRAVES.

Mr. Cilley, on the same day, returned the following reply, by Mr. Duncan, of Ohio:—

"*House of Representatives, February 22, 1838.*

"SIR,—Your note of this date has just been placed in my hands. I regret that mine of yesterday was unsatisfactory to you; but I cannot admit the right on your part to propound the question to which you ask a categorical answer, and therefore decline any further response to it.

"Very respectfully,

"HON. W. J. GRAVES.

JONATHAN CILLEY.

On Friday, the 23d of February, Mr. Wise presented to Mr. Cilley, at his boarding-house, a few minutes before 12 o'clock, M., a challenge from Mr. Graves.

*"Washington City, February 23, 1838.*

"As you have declined accepting a communication which I bore to you from Colonel Webb, and as, by your note of yesterday, you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognized among gentlemen. My friend, Hon. Henry A. Wise, is authorized by me to make the arrangements suitable to the occasion.

Your obedient servant,

HON. J. CILLEY.

WM. J. GRAVES.

On the evening of the same day, about the hour of 5 o'clock, Mr. Jones, the Delegate from Wisconsin, delivered to Mr. Graves, in the room of Mr. Wise, and in his presence, an acceptance of the challenge.

*"Washington City, February 23, 1838.*

"Your note of this morning has been received. My friend, General Jones, will 'make the arrangements suitable to the occasion.'

Your obedient servant,

HON. W. J. GRAVES.

JONATHAN CILLEY.

Mr. Jones immediately submitted the following propositions to Mr. Wise:—

*"Washington, February 23, 1838.*

"SIR,—Mr. Cilley proposes to meet Mr. Graves, at such place as may be agreed upon between us, to-morrow, at 12 o'clock, M. The weapons to be used on the occasion shall be rifles; the parties placed side by side, at eighty yards' distance from each other; to hold the rifles horizontally at arm's length, downwards; the rifles to be cocked and triggers set; the words to be, 'Gentlemen, are you ready?' After which, neither answering 'No,' the words shall be, in regular succession, 'Fire,—one, two, three, four.' Neither party shall fire before the word 'fire,' nor after the word 'four.' The positions of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon, and two other friends. The seconds, for execution of their respective trusts, are allowed to have a pair of pistols each, on the ground, but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure a rifle by the time prescribed, time shall be allowed for that purpose.

Your very obedient servant,

HON. HENRY A. WISE.

GEO. W. JONES.

At 9 o'clock, P. M., Mr. Wise replied:—

*"Washington, February 23, 1838.*

"SIR,—The terms arranging the meeting between Mr. Graves and Mr. Cilley, which you presented to me this evening, though unusual and objectionable, are accepted, with the understanding that the rifles are to be loaded with a single ball, and that neither party is to raise his weapon from the downward horizontal position until the word 'fire.'

"I will inform you, sir, by the hour of 11 o'clock, A. M., to-morrow, whether Mr. Graves has been able to procure a rifle, and, consequently, whether he will require a postponement of the time of meeting.

"Your very obedient servant,  
HENRY A. WISE.

About 8 o'clock, A. M., on the 24th, Mr. Jones left at Mr. Wise's room the following note, to wit:—

*"Washington City, D. C., February 24, 1838.*

"SIR,—I will receive, at Doctor Reilly's, on F Street, any communication you may see proper to make me, until 11 o'clock, A. M., to-day.

"Respectfully, your obedient servant,  
GEO. W. JONES.

*"Dr. Reilly's, F Street, February 24, 1838, 10 o'clock, A. M.*

"SIR,—I have called at this place, in conformity with your note of this morning, to inform you that Mr. Graves has not as yet been able to procure a rifle and put it in order, and cannot be ready by 12 o'clock, M., to-day. He is desirous, however, to have the meeting to-day, if possible, and I will inform you by half-past 12 o'clock, M., to-day, what time to procure and prepare a weapon he will require.

"Very respectfully, &c.,  
HENRY A. WISE.

"HON. GEO. W. JONES.

Afterwards, Mr. Jones left at Mr. Wise's room the following note, to wit:—

*"Washington, February 24, 1838, 10½ A. M.*

"Your note dated at 10 o'clock to-day is received. In reply, I have the pleasure to inform you that I have in my possession an excellent rifle, in good order, which is at the service of Mr. Graves.

"Very respectfully, &c.,  
GEO. W. JONES.

"HON. H. A. WISE.

Afterwards, Mr. Jones sent to Mr. Wise's room the following note, to wit:—

*"Washington, February 24, 1838, 11 A. M.*

"SIR,—Through the politeness of my friend, Doctor Duncan, I now tender to you, for the use of Mr. Graves, the rifle referred to in my note of 10½ A. M. this morning.

"Respectfully, your obedient servant,  
GEO. W. JONES.

"HON. H. A. WISE.

"And with this note, a rifle and powder-flask and balls were left at Mr. Wise's room.

"The rifle was procured by Mr. Jones, and sent by him to Mr. Wise, in accordance with a previous request of Mr. Wise, or in consequence of a conversation between them. Mr. Jones says it was in *strict* accordance with the *request* of Mr. Wise; and Mr. Wise says he had a conversation with Mr. Jones upon the subject, requested Mr. Jones to inform him where one could be obtained, and has no doubt that it was in consequence of this conversation that Mr. Jones sent the rifle, and that he acted with the best motive in sending it.

"Mr. Wise having received the last note, called on Mr. Jones, and informed him that Mr. Graves had procured another rifle, and would be ready for the meeting at 3 o'clock, P. M. The parties met by arrangement on the road to Marlborough, in Maryland. Mr. Cilley was accompanied by his second, Mr. Jones, by Mr. Bynum of North Carolina, and Colonel James W. Schaumburg, as his friends, and by Doctor Duncan of Ohio, as his surgeon. Mr. Graves was attended by Mr. Wise, as his second, by Mr. Crittenden, Senator from Kentucky, and Mr. Menefee of Kentucky, as his friends, and by Dr. Foltz, of this city, as his surgeon; and all proceeded thence about 2 o'clock, P. M. to the place of meeting. Mr. Jones and Mr. Wise immediately marked off the ground. The line of fire was at right angles with the rays of the sun. The choice of positions fell by lot to Mr. Wise, and Mr. Jones had the giving of the word. Mr. Wise chose the position at the north-westerly end of the line. The distance was about ninety-two yards. There was a strong wind falling on the line of fire at an angle of about forty-five degrees against Mr. Cilley.

"The position of Mr. Graves was near a wood, partly sheltered by it, and that of Mr. Cilley was on higher ground, and in the open fields. The calibre of Mr. Graves's rifle was nearly twice as large as that of Mr. Cilley's, and would receive a ball of about eighty to the pound; while the rifle of Mr. Cilley would receive a ball of about one hundred and thirty-two to the pound. Mr. Calhoun and Mr. Hawes, both members of the House from Kentucky, were at some distance off, as spectators. Mr. Wise had two rifles on the ground, one of which, not being loaded, remained, by consent, in one of the carriages. The hack-drivers were on the ground; and two other persons (Grafton Powell and James F. Brown) were present, without the consent of either party or their friends. Shortly after 3 o'clock, P. M., the parties exchanged shots, according to the terms of meeting. Mr. Cilley fired first, before he had fully elevated his piece; and Mr. Graves one or two seconds afterwards. Both missed. Mr. Graves could not have reserved his fire had he been disposed to do so.

"The friends assembled at the request of Mr. Wise, and Mr. Jones inquired of Mr. Wise whether his friend (Mr. Graves) was satisfied. Mr. Wise immediately said, 'Mr. Jones, these gentlemen have come here without animosity toward each other; they are fighting merely upon a point of honor; cannot Mr. Cilley assign some reason for not receiving at Mr. Graves's hands Colonel Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?' Mr. Jones replied, 'While the challenge is impending, Mr. Cilley can make no explanation.' Mr. Wise said, 'The exchange of shots suspends the challenge, and the challenge is suspended for explanation.' Mr. Jones thereupon went to Mr. Cilley and returned; and after a few words in regard to putting in writing what had been and might be said, Mr. Jones proceeded to say, 'I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from Colonel Webb, he meant no disrespect to Mr. Graves,

because he entertained for him then, as he now does, the highest respect and the most kind feelings; but that he declined to receive the note because he chose not to be drawn into any controversy with Colonel Webb,' or 'he refuses to disclaim disrespect for Colonel Webb, because he does not choose to be drawn into an expression of opinion as to him.' Both expressions were used in the course of the conversation.

"After a consultation on each side, Mr. Wise said to Mr. Jones, 'This answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent.' From an examination of the evidence, it will be perceived that, although the language made use of by the persons present, in narrating what passed on this occasion, is not the same, yet there is no substantial difference between them. Mr. Cilley reasserted the ground which he had assumed in the correspondence; that he declined to receive the note of Webb, because he chose to be drawn into no controversy with him; that he refused to disclaim any personal exception to Webb as a gentleman or man of honor, because he would neither affirm nor deny anything in regard to his character; and that in declining to receive the demand of explanation, he had intended no disrespect to Mr. Graves. Mr. Cilley even went further, and declared that he entertained for him *the highest respect and the most kind feelings*. The position of Graves was, therefore, not changed, except so far as the peril of life by Mr. Cilley in defence of his own position, and the subsequent voluntary avowal of the highest respect and the most kind feelings for the individual who had put him in jeopardy, may be supposed to have changed it.

"Mr. Crittenden says that it was now 'urged on the part of Mr. Graves, that Mr. Cilley ought to make some such explanation or declaration as had been proposed, for the satisfaction of Mr. Graves; while on the part of Mr. Cilley it was urged that Mr. Graves ought to be satisfied with the exchange of shots, without any such explanation or declaration.' All the friends of Mr. Cilley urged that Mr. Graves should now be satisfied, and that the affair should now terminate, without requiring from Mr. Cilley any further concession beyond what he had already make. Doctor Foltz said he 'thought the affair should end here; there was no personal ill-feeling between the parties; that they had both proved themselves men of honor and courage; and that Mr. Cilley's opinion of Colonel Webb could not be changed by the farther exchange of shots or the receipt of wounds.' Mr. Crittenden was understood, by nearly all present, to concur in these views, though it seems he did not intend so to be understood, but acquiesced with Mr. Wise and Mr. Menefee in insisting that the fight should go on, unless Mr. Cilley would make the concession which had been demanded. Accordingly the challenge was renewed, the parties resumed their positions, and again exchanged shots in the manner prescribed by the terms of meeting. Mr. Graves fired first, before he had fully elevated his piece; Mr. Cilley fired about two seconds afterward. They both missed. Mr. Cilley could not have reserved his fire had he been disposed to do so. Mr. Jones, Mr. Bynum, Mr. Schaumburg, Dr. Foltz,

Mr. Wise, and Mr. Fuller thought, from the motions and appearance of Mr. Graves, that he was hit. He at once said, 'I must have another shot.' Mr. Wise says, 'He positively, peremptorily, and repeatedly insisted upon another shot.'

"The seconds and friends again assembled, and the challenge was again withdrawn. Mr. Jones said, 'Mr. Wise, my friend, in coming to the ground and exchanging shots with Mr. Graves, has shown to the world that, in declining to receive the note of Colonel Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to render satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here.' Mr. Wise replied, in substance, 'Mr. Jones, Mr. Cilley has already expressed his respect for *Mr. Graves*, in the *written correspondence*, and Mr. Graves does not require of Mr. Cilley a certificate of character for Colonel Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Colonel Webb. Mr. Graves only insists that he has not borne the note of a man who is not a man of honor and not a gentleman.' The challenge was again renewed, and while the friends were loading the rifles, Mr. Wise and Mr. Jones walked apart, and Mr. Wise asked Mr. Jones 'if Mr. Cilley could not assign the reason for declining to receive the note of Colonel Webb, that he (Mr. Cilley) did not hold himself accountable to Colonel Webb for words spoken in debate?' Mr. Jones replied, that 'Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate.' Wise then asked Jones whether 'Mr. Cilley would not say that, in declining to receive the note of Colonel Webb, he meant no disrespect to Mr. Graves, either *directly* or *indirectly*?' To which Mr. Jones replied affirmatively, adding, 'Mr. Cilley entertains the highest respect for Mr. Graves, but declined to receive the note because he chose to be drawn into no controversy with Colonel Webb.' Mr. Jones says that Mr. Wise took no exception to this answer, but continued to require other concessions, as stated, to be made.

"Mr. Wise says that in making that proposition he went beyond his instructions; and that the proposition and the response to it were not communicated to Mr. Graves, but were communicated both to Mr. Crittenden and to Mr. Menefee. Mr. Crittenden says he does not remember to have heard them, during the progress of the contest, and that he does not remember to have given any advice or opinion upon them. Mr. Menefee remembers the proposition and reply, and positively or by acquiescence gave the advice that the reply, *thus qualified*, was but a reiteration, in substance, of the original ground assumed by Mr. Cilley, and held to be inadmissible by Mr. Graves. Mr. Wise had in his possession, on the ground, three written propositions, neither of which was exhibited, nor their substance submitted in any other manner than as before stated.

"Mr. Jones, Mr. Bynum, Mr. Schaumburg, Dr. Duncan, and Dr.

Foltz now objected, in the strongest language, against the further prosecution of the contest, and insisted that it should now cease, and that Mr. Graves should declare himself satisfied. Mr. Crittenden was understood again, by nearly all present, to concur in these views; but it appears from his testimony, that he acquiesced in the views of Mr. Wise and Mr. Menefee. They insisted that the fight should go on, unless Mr. Cilley would make the concessions which were demanded; either a direct disclaimer of any personal exception to James Watson Webb, as a gentleman and a man of honor, in declining to receive his note, or an indirect disclaimer, by placing the refusal to receive it upon the ground of privilege; both of which Mr. Cilley, in the correspondence and throughout the affair upon the field, had refused to do, and, persisting in it, had *twice* received the fire of his antagonist.

"Immediately previous to the last exchange of shots, Mr. Wise said to Mr. Jones, 'If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance.' To which Mr. Jones replied,

'After this shot, without effect, I will entertain the proposition.' Mr. Graves had directed Mr. Wise, if they missed repeatedly, to prevent a prolongation of the affair by proposing closer quarters; in consequence of which Mr. Wise made the proposition, which would have aggravated the severity of the terms. The rifles being loaded, the parties resumed their stations, and fired the third time, very nearly together. Mr. Cilley was shot through the body. He dropped his rifle, beckoned to one near him, and said to him, 'I am shot,' put both his hands to his wound, fell, and in two or three minutes expired.

"Early in the day on which he fell, an agreement was entered into between James Watson Webb, Daniel Jackson, and William H. Morell, to arm themselves, repair to the room of Mr. Cilley, and force him to fight Webb with pistols on the spot, or to pledge his word of honor to give Webb a meeting before Mr. Graves; and if Mr. Cilley would do neither, to shatter his right arm. They accordingly took measures to ascertain whether Mr. Cilley was at his lodgings, and finding that he was not, they proceeded, well armed, to Bladensburg, where it was said the duel between Mr. Graves and Mr. Cilley was to take place. Before arriving there, it was agreed between Webb, Jackson, and Morell, that Webb should approach Mr. Cilley, claim the quarrel, insist on fighting him, and assure him if he aimed his rifle at Mr. Graves, he [Webb] would shoot him [Mr. Cilley] on the spot. It was supposed by them that Mr. Graves, or Mr. Wise, or some of the party, would raise a weapon at Webb, whereupon it was agreed that Webb should instantly shoot Mr. Cilley, and that they should then defend themselves in the best way they could.

"Not finding the parties at Bladensburg, they followed in pursuit to the old Magazine, and thence to the shore of the Potomac, near the arsenal, at Greenleaf Point, whence, it being after 3 o'clock, P. M., they returned to the city to await the result. 'It is unnecessary to add,' say they, in a statement drawn up by Webb, signed by Jackson and Morell, and published in the New York Courier and Enquirer, 'what

would have been the course of Colonel Webb, if Mr. Graves, instead of Mr. Cilley, had been injured. Suffice it to say, that it was sanctioned by us; and however much we deplore it, we could not doubt but the extraordinary position in which he would have been placed would have warranted the course determined upon.' It is difficult to imagine what is here darkly shadowed forth, if it be not that, had Mr. Cilley survived the encounter with Mr. Graves, and had the latter suffered in it, it would then have been the fate of Mr. Cilley to have encountered an assassin.

"Such were the material facts and circumstances which attended the death of Mr. Cilley. The committee, entertaining the opinion that the cause of the challenge was the cause of the death of Mr. Cilley, have sought for it where it should be found in the most authentic form, in the correspondence of the parties.

"Mr. Cilley declined to receive the note of Mr. Webb, because he 'chose to be drawn into no controversy with him.' He placed his refusal to receive a demand for explanation of the words spoken by him in debate, solely on the ground of his own *voluntary election*, without assigning any other reason. 'He chose to be drawn into no controversy' with Webb. He declared, at the same time, that he neither affirmed nor denied anything in regard to Webb's character, in declining to receive the note. He declared further, that he had before stated, and now repeated, that he intended by the refusal no disrespect to Mr. Graves, and that he had said this *only in reply* to a remark of Mr. Graves, that this course might place him in an unpleasant situation.

"Mr. Graves, in his second note, takes but one exception to this first note of Mr. Cilley. 'It does not disclaim any exception to him (Webb) personally as a gentleman.' He says: 'Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient; among other things in this, — that, in your declining to receive Colonel Webb's communication, it does not disclaim any exception to him, personally, as a gentleman. I have, therefore,' he adds, 'to inquire whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor? A categorical answer is expected.'

"Mr. Cilley, in his second note, regrets that his first was unsatisfactory, but cannot admit the *right* of Mr. Graves to propound the question, and therefore he declines any further response to it.

"It is difficult to conceive that Mr. Graves, upon this correspondence of Mr. Cilley, could have challenged him for *intending disrespect to Mr. Graves*; for any such intention was positively disclaimed, and, as appears, in a most unexceptionable and courteous manner, in reply to a suggestion of his own, which called for it; or for affirming or denying anything in regard to the character of Webb, in declining to receive his note; for any such affirmation or denial is also disclaimed, in equally positive terms. Mr. Cilley had declined to receive a call from James Watson Webb, for explanation of words spoken in debate in the House of Representatives, and had put his refusal solely on the ground that he



chose to be drawn into no controversy with him ; but he is pressed further, and interrogated beyond this limit which he had assigned to himself, and a categorical answer is demanded to the question whether he declined on the ground of any personal exception to Webb as a gentleman or a man of honor. He denies the right to interrogate him in this manner for declining a call, which his right and duty, as a member of the House of Representatives, and the just maintenance of the privileges of that body, required him to decline ; and, denying the right to interrogate, he therefore refused to submit to answer any further. And it was because he refused to receive the note, and refused to answer any further, that he was challenged by another of the same body.

"This matter is not left open to inference or argument. The cause of the challenge appears in a manner which precludes all doubt. It is still further specified and avowed by Mr. Graves himself, in his own note, which contains the challenge. It is stated clearly, unequivocally, and with the utmost precision, and is assigned expressly, and in form, as the cause for which the challenge is given. 'As you have declined accepting a communication which I bore to you from Colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognized among gentlemen.' Mr. Cilley, by his 'note of yesterday,' had refused to answer the question to which a 'categorical answer' had been demanded: that is to say, 'whether he declined to receive Colonel Webb's communication on the ground of any personal exception to him as a gentleman or a man of honor.' The ground of challenge, therefore, is, by Mr. Graves himself, expressly stated to be, that Mr. Cilley declined to receive the communication from Webb, and, by his note of February 22d, refused to answer that question, touching the honor of Webb.

"This was the open and avowed cause, set forth and presented to Mr. Cilley, by which he was guided, and upon which he acted, in a matter involving the utmost extremity of human responsibility. For this cause, and for this alone, he was challenged and fell by the hand of Mr. Graves ; unless it be admissible to believe, that, after all verbal communication had ceased between him and his antagonist, and the difference had assumed the form exclusively of a written correspondence between them, he was challenged and fell for a cause not set up in that correspondence, not put forth as a ground of complaint, not made known to him or his friends as a matter of grievance, and in regard to which, therefore, it may be believed, he was profoundly ignorant, and had no opportunity afforded him in any way of voluntary satisfaction or explanation.

"Nor is there anything in what subsequently occurred, as disclosed by the joint statement of the seconds, or the testimony of any witness, which gives color to a suggestion, that there was, at any time afterward, a change of the ground of controversy.

"No communication whatever, upon the subject of difference, took

place between the principals, their respective seconds, or friends, after the challenge was given, before the first exchange of shots. Of course, no change of the ground of controversy could have occurred until after Mr. Cilley had received the fire of his antagonist, and had hazarded his life in defence of the position which he had assumed in the correspondence. After the first exchange of shots, as already shown, Mr. Cilley reasserted his original position, and Mr. Wise insisted that what was then said by Mr. Jones only placed 'the affair upon the original grounds,' and left 'Mr. Graves precisely in the position in which he stood when the challenge was sent.' There was, in fact, no change whatever in the position of the parties, except what arose from the circumstance that Mr. Cilley had given Mr. Graves the satisfaction demanded of an exchange of shots, and from the further circumstance that Mr. Cilley not only repeated the disclaimer that he had meant no disrespect to Mr. Graves, but positively avowed, also, that he entertained for him *the highest respect and the most kind feelings*.

"In this state of the controversy the challenge is renewed, and Mr. Cilley again puts his life in jeopardy. The challenge being once more suspended, he again insists upon his original position, that he had declined to receive the demand for explanation of the words spoken by him in debate, because he chose to be drawn into no controversy with Webb, and that he would assign no other reason; and while, on the other hand, it was insisted for Mr. Graves, that he considered himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Colonel Webb, and that he only insisted 'that he had not borne the note of a man who was not a man of honor and not a gentleman,' Mr. Cilley replied affirmatively to a proposition submitted on the part of Mr. Graves, that, in declining to receive the note, he meant no disrespect to Mr. Graves, either directly or indirectly; and declared that he entertained the highest respect for him, but declined to receive the note, because he chose to be drawn into no controversy with Colonel Webb. He excluded, in direct and positive terms, every possibility of disrespect to Mr. Graves, directly or indirectly, and in effect only insisted on his right to decline a demand for explanation of words spoken in debate, because he chose to be drawn into no controversy upon the subject, without assigning any other reason. But he was interrogated for another reason, and another reason was demanded; and for resisting that demand the challenge was again renewed, and he fell a victim in defence of what he conceived to be his rights as an individual, or as a representative of the people in the House of Representatives.

"The committee were disposed to pursue this inquiry in every form. Not content with tracing the cause of the challenge in the written correspondence, in the assignment of reasons for the challenge under Mr. Graves's own hand, and in the various propositions which were submitted on the field, from the beginning to the end of the contest, they proceeded to put to every witness who was believed to know anything upon the subject the direct inquiry, whether 'Mr. Graves or his sec-

ond, at any time before Mr. Cilley fell, communicated to Mr. Cilley, his second, or attendant friends, that a question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted?' Mr. Jones answered, 'Certainly not to me, nor to Mr. Cilley, at any time, to my knowledge, either before or during the day the duel was fought. I did not hear of the existence of such a question until the Sunday or Monday after Mr. Cilley was killed. The written correspondence between Mr. Graves and Mr. Cilley does not show the existence of any such question of veracity.' Mr. Bynum answered, 'I heard no such communication, directly or indirectly, from either Mr. Graves or his second, made or intimated to Mr. Cilley or any of his friends, before he fell.' Mr. Schaumburg answered, 'I did not understand that there was a "question of veracity" between the parties, nor was there any conversation on the subject.' Dr. Duncan answered, 'They never did, to my knowledge. I never heard the question of veracity assigned, during Mr. Cilley's life, as the cause of any difficulty.' Mr. Pierce answered, 'I never held any conversation with Mr. Graves, or "his second or attendant friends," in relation to the late fatal duel, nor did I ever hear until subsequently to the 24th of February last, that any question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted.' Dr. Foltz answered, 'They did not.' Mr. Wise answered, 'I did not know what Mr. Graves may have communicated to Mr. Cilley at any time before he fell, as to a question of veracity between them. I presume they both knew what had passed between them verbally. I believe that I did state to Mr. Jones, or to other friends of Mr. Cilley, on the ground, that Mr. Graves said Mr. Cilley had assigned to him the reason for declining to receive the note of Colonel Webb, that he did not choose to be accountable for words spoken in debate. I think I so informed Mr. Jones, when I asked him if Mr. Cilley could not assign this reason on the ground; but of this I am not positive.' Mr. Crittenden answered, 'Not that I know of. I know of no communication between any of these parties other than as before stated, so far as I now recollect. Whether those communications involve any such question, it is not for me to decide; no such question was made, in terms, that I know of.' Mr. Menefee answered, 'Mr. Graves had no communication of any kind with Mr. Cilley, his second or attendant friends, and of course did not communicate to them that such a question was a point of difficulty. Nor did the second of Mr. Graves, as far as I remember, make such a communication, except so far as may be implied from the propositions made by him, in connection with the correspondence, &c. One, at least, of the friends of Mr. Graves, in the presence of his second, made frequent attempts to direct the attention of the second and friends of Mr. Cilley to the difficulty which was presented by the terms of Mr. Graves's first note (giving his version of what Mr. Cilley had said), and the ground which Mr. Cilley had subsequently assumed. But it was not referred to, in terms, as a question of veracity. It was believed that Mr. Cilley had honorable grounds, which would be satisfactory to Mr. Graves, and at the same time compatible

with the truth, which would effect the object, without making directly such a question while efforts were pending to accommodate. Whether the views thus expressed were communicated to Mr. Cilley, I know not. For the character of what occurred on this point, so far as I participated in it, the committee are referred to my general statement.' Mr. Graves said to Dr. Foltz, on the way to the field, 'that he had been the bearer of a note from Colonel Webb to Mr. Cilley, inquiring if Mr. Cilley had been correctly reported in the *Globe*. Mr. Cilley refused to receive the note, and declined giving his reasons, which implicated me, in consequence of which I challenged him, but I have no personal animosity toward him.' Mr. Wise said on the field, 'Mr. Jones, these gentlemen have come here without animosity toward each other; they are fighting merely upon a point of honor. These men have nothing against each other; they are merely settling a point of honor.'

"This concurrent testimony of all, without exception, taken in connection with the written correspondence, the various propositions and answers on the field, and the further fact, that Mr. Cilley had not been informed that Mr. Graves had undertaken to repeat to others any verbal communication between them, or that any misapprehension or misunderstanding existed between them on that subject, utterly repels the suggestion, that any question of veracity had arisen, or had been made, or was the cause of the challenge or the death of Mr. Cilley. Indeed, any misapprehension on that subject would have given no more just ground of animosity, and least of all of the highly vindictive feelings necessarily aroused by a question of veracity, than the very evident misapprehension which Mr. Graves labored under, in regard to some parts of the note of James Watson Webb of which he was the bearer.

"The committee will not, in justice to Mr. Graves, harbor the belief, that there were rankling secretly in his bosom any vindictive or hostile feelings towards Mr. Cilley, growing out of any question of personal veracity, and prompting him to carry on a deadly warfare under another pretext, not only without a direct and explicit disclosure of the real cause of difficulty, such as would have left no misapprehension on the mind of any one, but under circumstances which misled the other party and his friends, and left him, under that false impression, to the forfeit of his life.

"The committee have, therefore, come to the conclusion, that the words spoken by Mr. Cilley in debate in the House of Representatives, the refusal of Mr. Cilley to receive a demand for explanation of those words, and his refusal to assign any other reason for it than that he chose to be drawn into no difficulty upon the subject, were the causes which led to the death of Mr. Cilley, under the circumstances which have been substantially detailed.

"It remains to inquire whether there has been a breach of the privileges of the House.

"It is a breach of the highest constitutional privileges of the House, and of the most sacred rights of the people in the person of their representative, to demand, in a hostile manner, an explanation of words spoken

in debate; to be the bearer of such a demand; to demand a reason for refusing to receive it, beyond the mere voluntary election of the member interrogated; or to demand, under any circumstances, any reason at all. No member can be questioned in a hostile way, and put to his plea, and yield to it, without subjecting himself to great disadvantage in the estimation of many, and impairing his influence and his usefulness as a member. It is a still more aggravated breach of the privileges of the House, and of the rights of the people in the person of their representative, to challenge a member, and to slay him in combat, for refusing to comply with any such demand. It is the highest offence which can be committed against either House of Congress, against the freedom of speech and of debate therein, against the spirit and the substance of that constitutional provision, that, for any speech or debate in either House, the members shall not be questioned in any other place, and violates essentially the right of perfect immunity *elsewhere* for words spoken in debate *here*, which is essential to the independence of Congress, and to the existence of constitutional liberty. And when this offence is committed by a member, it calls for the exercise of the highest powers of the House to purge itself of the evil, to maintain effectually its rights and privileges, and to preserve inviolable this immunity, which is guaranteed by the Constitution, not for the sake of the individual, but for his constituents and for the country.

"The present case is without any circumstance of extenuation. A member of the House, in a manner most strictly parliamentary, on an occasion most appropriate, in language most decorous and moderate, in defence of the honor of the House against an anonymous and unfounded charge of corruption, had alluded to the published records of former proceedings with perfect truth and accuracy; had, in obedience to his duty, declined a hostile demand for explanation in a manner in which the committee can discover no cause of offence; had, respectfully, with expressions of regret, declined to admit the right to interrogate him further; had disclaimed all disrespect, directly or indirectly, toward his antagonist, and avowed for him the highest respect and the kindest feelings; and after all this, avowed without hostility, and against the strongest protestations of others, he was required, fatally, to expose himself to the third discharge of a rifle. On the other hand, Mr. Graves, a member of the House, voluntarily and unnecessarily became the bearer of a demand upon another member in attendance, for explanation of words spoken in debate; he presented it in the House while the House was in session; he demanded a reason for the refusal, beyond the voluntary election of that member to be drawn into no difficulty upon the subject; which being withheld, he then challenged him in this city, and slew him in this vicinity, while Congress was in session.

"Every step of Mr. Graves in this progress involved him deeper and deeper in a breach of the privileges of the House, until their destruction was consummated in the person of Mr. Cilley. The eye of reason can discover, in the whole course of Mr. Cilley, no offence towards those who pursued him, except that given by alluding to the

records of Congress, in the faithful and upright discharge of his duty as a member, which justly could have given no offence at all. Nor can his death be vindicated or excused by any circumstance whatsoever, not even by that custom, the relic of unenlightened and barbarous ages, which was formerly supposed to be a proof of some degree of physical courage, but is, in fact, a signal monument of the want of the higher attribute of moral courage; which has, in these modern times, degenerated into a game of chances and a scramble for undue advantages; which can furnish no criterion for truth, justice, or honor, and deals out its infictions of misery most severely upon the unoffending and the helpless; which is deeply deplored by all men, even those who submit to it, and is forbidden, in every stage of it, by all law, human and divine.

"It is not necessary, on the present occasion, to go into any consideration of the general power of the House to punish for breach of privilege, or to inquire into the origin and foundation of that power over contempts, which has been asserted by the Parliament of Great Britain from time immemorial, by every legislative body, by every judicial tribunal, from the highest to the lowest, and repeatedly, by one or the other House of Congress, and has been recognized as existing in the House of Representatives by the Supreme Court of the United States. Whether it be a power necessary to the continued existence of the legislative body, or a power necessary to the free exercise of its legislative functions, it is in either case a necessary power, strictly granted by the Constitution, and as fully granted as if it were literally expressed. But in the case of members, the Constitution has expressly granted the power to punish for disorderly conduct, and has also expressly granted the power, with the concurrence of two thirds, to expel a member for any cause which two thirds of the House may deem sufficient.

"The committee, therefore, viewing the breach of the rights and privileges of the House, on the part of Mr. Graves, to have been an offence of this high character, against the vital principle of a deliberative assembly and of representative government, is constrained, by a sense of duty, to present to the House a resolution that he be expelled therefrom.

"It has been decided by the House of Representatives, on a former occasion, that it was a breach of privilege to send a challenge to a member in attendance, or to be the bearer of such challenge. And it is equally so to act as second to the challenger. In the present instance it appears that Mr. Wise had no knowledge of the demand of explanation which was borne by Mr. Graves, and had never seen the paper until after the fatal catastrophe. But having been early consulted by Mr. Graves upon the first letter of Mr. Cilley, and concurring with him in his views of it, he bore the challenge to Mr. Cilley, and he acted throughout as the second of the challenger, advising and insisting that the fight should go on until Mr. Cilley fell. The committee, therefore, deeming him deeply involved, under the circumstances which this case presents, in a breach of the privileges of the House, report a resolution that he deserves the decided censure of the House, and that he be censured accordingly.

"Mr. Jones had no knowledge of the affair until the determination of Mr. Cilley had been formed as to the acceptance of the challenge, and the time, mode, weapon, and other preliminaries of the meeting. But he was the bearer of the acceptance, and acted throughout as the second of the challenged party; and it is the opinion of the committee that he was thereby involved in a breach of privilege, and that he censured therefor.

"In regard to the persons not principal nor seconds who were present on the field, and expressed their opinions at the request of the parties, without having advised, instigated, or procured the meeting, however they might be implicated in the courts of law, the committee entertain doubts how far they would be involved in a breach of privilege, and, under a strong conviction that the power of the House should be exercised, never in a doubtful case, always with moderation, they content themselves with presenting the facts and circumstances, so far as those persons are concerned, without proposing any action thereon.

"The committee entertain no doubt that James Watson Webb has been guilty of a breach of the privileges of the House; but they also concur unanimously in the opinion, that if there be any real ground to believe that a conspiracy to assassinate actually existed, as set forth in that atrocious paper drawn up by him, signed by Daniel Jackson and William H. Morell, sworn to by the latter, and published in the *New York Courier and Enquirer*, he be left to the chastisement of the courts of law, and of public opinion, and that the House will consult its own dignity and the public interest by bestowing upon him no further notice."

CLARENCY, Prince of, and CHARLES DE GONTAUT, Duke of Biron. In France, about the year 1581. The parties were rival suitors to the heiress of the family of Caumont. Each was attended by two seconds, who fought with the principal. They met in a snow-storm, at daybreak. Biron and his seconds arranged, in taking position, that the snow should drive into the faces of their adversaries; and, by this device, the Prince and his seconds were slain. Henry III., at the solicitation of the Duke of Epemon, pardoned the triple murder. In the reign of Henry IV., Biron became Admiral of France, and a Marshal and Ambassador to the Courts of Brussels and Queen Elizabeth. But his star set in blood. He conspired against his royal friend and was executed, in 1602. Multitudes visited the church in which his remains were deposited, in order to sprinkle his grave with holy water.

CLARENDON, Lord. See *Ossory*, Lord.

CLARKE, —, Captain in the British Navy. See *Innes*.

CLARY, MONS. See *Valentine*, Mons.

CLAVERING, General, and Mr. BARWELL. In India, 1775. These gentlemen were members of the Council of Bengal, under the administration of Warren Hastings. They fought, because the General said that Mr. Barwell "had taken money in direct contradiction to his solemn oath."

CLAVIJO, DON JOSEPH FLAXARDO, and BEAUMARCHAIS. Clavijo loved a sister of Beaumarchais, but forsook her. This desertion caused an affair of honor, which, with the attending circumstances, deprived the former of his employments and the respect of his countrymen, and his life afterwards was passed under a cloud. Clavijo was a Spanish scholar of note,—the translator of Buffon's Natural History into his vernacular, and Vice-Director of the Cabinet of Natural History.

CLAY, HENRY. This eminent statesman fought two duels. He was the challenger in both. The first, in 1808, with Humphrey Marshall, a fellow-member of the Legislature of Kentucky. Mr. Marshall was a gentleman of talents, of high standing, and a Federalist of great influence. He was the constant antagonist of Mr. Clay in debate, and finally indulged in personal remarks so denunciatory and severe, as to draw a message. They met. They exchanged two or three shots, and retired from the field, each slightly wounded.

The second, in 1826, on the Virginia shore of the Potomac, near Washington, with John Randolph. Mr. Clay, at this time, was Secretary of State, Mr. Randolph, a Senator in Congress. This duel, like that in 1808, was political. The particular cause will appear in the extract from Mr. Benton's *Thirty Years in the Senate*, appended to this notice.

Never, in my judgment, has the utter, unconditional absurdity and folly of duelling been so perfectly demonstrated, as in the case before us. These two great men—unlike as they were—loved one another, even in the hour of meeting in mortal combat. But in the sudden fusion of political parties, and in events which followed, they had become alienated, and nothing but the magic influence of pistols—strangely enough—could induce them to confess their love, either to themselves or to the world.

They can never disappear in American history. Their names will stand indissolubly connected upon its pages. The Scott or the Cooper of a future age, when the duello, as an existing code for the adjustment of personal differences, shall have passed for ever away, will seize upon the circumstances which preceded,



which attended, and which concluded the duel between them, as the groundwork of a thrilling story, descriptive of the barbarity of the age in which they lived. The writer of fiction will relate that Clay and Randolph prepared to meet, and met, in deadly strife, their hearts gushing—bursting, even—with tenderest solicitude, each for the other's safety; that the Virginian, when told of the sleeping child, and of the unconscious tranquillity of the wife of his adversary, rejoined, in tones as sweet as woman's own, "*I shall do nothing on the morrow to disturb the sleep of the child or the repose of the mother.*" Stranger still, he will relate, that, on the ground, the same voice was heard to breathe, in gentlest accent, "*I would not have seen Mr. Clay fall mortally, or even doubtfully wounded, for all the land that is watered by the King of Floods and all his tributary streams.*" And so, too, he will write down for wondering readers, that the lofty son of Kentucky, the moment he had discharged his weapon, approached his antagonist, and uttered, "*I trust in God, my dear sir, you are untouched; after what has occurred, I would not have harmed you for a thousand worlds.*" Then will come the explanation, in which it will appear, that the public sentiment of the time imperiously demanded this scene, in order that these eminent men might continue to receive the courtesies of their compeers.

Some of the great actors in the political strifes which caused this combat lived on in hostile word and act, and were never reconciled.

It is gratifying to know that perfect amity existed between Mr. Clay and the Virginia Senator ever after their hostile meeting. When Mr. Randolph returned from Russia, he was broken in health and spirit. Indeed, he was dying. But he would visit the Senate-chamber, and seat himself near Mr. Clay, to grasp his hand, to "hear his voice again."

I now insert an account of the duel, from the pen of General James Hamilton, of South Carolina, who was an eyewitness.

"The night before," says this distinguished gentleman, "Mr. Randolph sent for me. I found him calm, but in a singularly kind and confiding mood. He told me that he had something on his mind to tell me. He then remarked, 'Hamilton, I have determined to receive, without returning, Clay's fire; nothing shall induce me to harm a hair of his head; I will not make his wife a widow, nor his children orphans. Their tears would be shed over his grave; but when the sod of Virginia rests on my bosom, there is not one in this wide world, not one

individual, to pay this tribute upon mine.' His eyes filled, and resting his head upon his hand, we remained some minutes silent. I replied, 'My dear friend (for ours was a sort of posthumous friendship, bequeathed by our mothers), I deeply regret that you have mentioned the subject to me; for you call upon me to go to the field and see you shot down, or to assume the responsibility, in regard to your own life, in sustaining your determination to throw it away. But on this subject, a man's own conscience and his own bosom are his best monitors. I will not advise, but under the enormous and unprovoked personal insult you have offered Mr. Clay, I cannot dissuade. I feel bound, however, to communicate to Colonel Tatnall your decision.'

"He begged me not to do so, and said he was very much afraid that Tatnall would take the studs, and refuse to go out with him. I, however, sought Colonel Tatnall, and we repaired about midnight to Mr. Randolph's lodgings, whom we found reading Milton's great poem. For some moments he did not permit us to say one word in relation to the approaching duel; and he at once commenced one of those delightful criticisms on a passage of this poet, in which he was wont so enthusiastically to indulge. After a pause, Colonel Tatnall remarked, 'Mr. Randolph, I am told you have determined not to return Mr. Clay's fire; I must say to you, my dear sir, if I am only to go out to see you shot down, you must find some other friend.' Mr. Randolph remarked, that it was his determination. After much conversation on the subject, I induced Colonel Tatnall to allow Mr. Randolph to take his own course, as his withdrawal as one of his friends might lead to very injurious misconstructions. At length, Mr. Randolph, smiling, said, 'Well, Tatnall, I promise you one thing, if I see the devil in Clay's eye, and that, with malice prepense, he means to take my life, I may change my mind,'—a remark I knew he made merely to propitiate the anxieties of his friend.

"Mr. Clay and himself met at 4 o'clock the succeeding evening, on the banks of the Potomac. But he saw no 'devil in Clay's eye,' but a man fearless, and expressing the mingled sensibility and firmness which belonged to the occasion.

"I shall never forget this scene as long as I live. It has been my misfortune to witness several duels, but I never saw one, at least in its sequel, so deeply affecting. The sun was just setting behind the blue hills of Randolph's own Virginia. Here were two of the most extraordinary men our country in its prodigality had produced, about to meet in mortal combat. Whilst Tatnall was loading Randolph's pistol, I approached my friend, I believed for the last time. I took his hand; there was not in its touch the quivering of one pulsation. He turned to me and said, 'Clay is calm, but not vindictive;—I hold my purpose, Hamilton, in any event; remember this.'

"On handing him his pistol, Colonel Tatnall sprung the hair-trigger. Mr. Randolph said, 'Tatnall, although I am one of the best shots in Virginia, with either pistol or gun, yet I never fire with a hair-trigger; besides, I have a thick buckskin glove on, which will destroy the deli-

cacy of my touch, and the trigger may fly before I know where I am.' But from his great solicitude for his friend, Tatnall insisted upon hairing the trigger. On taking their position, the fact turned out as Mr. Randolph anticipated, his pistol went off before the word, with the muzzle down.

"The moment this event took place, General Jesup, Mr. Clay's friend, called out that he would instantly leave the ground with his friend, if that occurred again. Mr. Clay at once exclaimed, that it was an accident, and begged that the gentleman might be allowed to go on. On the word being given, Mr. Clay fired without effect, Mr. Randolph discharging his pistol in the air.

"The moment Mr. Clay saw that Mr. Randolph had thrown away his fire, with a gush of sensibility, he instantly approached Mr. Randolph, and said, with an emotion I never can forget, 'I trust in God, my dear sir, you are untouched; after what has occurred, I would not have harmed you for a thousand worlds.'

The relation of the Hon. Thomas Hart Benton, who was also an eyewitness, and anxiously interested for both parties, follows. It is minute, and in the highest degree interesting. No reader of this work will regret, I feel sure, that, abandoning several attempts to abridge it, I retain it entire.

"It was Saturday, the first day of April, towards noon, the Senate not being that day in session, that Mr. Randolph came to my room at Brown's hotel, and (without explaining the reason of the question) asked me if I was the blood-relation of Mrs. Clay? I answered that I was, and he immediately replied that that put an end to a request that he had wished to make of me, and then went on to tell me that he had just received a challenge from Mr. Clay, — had accepted it, — was ready to go out, — and would apply to Colonel Tatnall to be his second. Before leaving, he told me he would make my bosom the depository of a secret which he should commit to no other person: it was that he did not intend to fire at Mr. Clay. He told it to me because he wanted a witness of his intention, and did not mean to tell it to his second, or anybody else; and enjoined inviolable secrecy until the duel was over. This was the first notice I had of the affair. The circumstances of the delivery of the challenge I had from General Jesup, Mr. Clay's second, and they were so perfectly characteristic of Mr. Randolph, that I give them in detail, and in the General's own words.

"I was unable to see Mr. Randolph until the morning of the 1st of April, when I called on him for the purpose of delivering the note. Previous to presenting it, however, I thought it proper to ascertain from Mr. Randolph himself, whether the information which Mr. Clay had received, that he considered himself personally accountable for the attack on him, was correct. I accordingly informed Mr. Randolph that I was the bearer of a message from Mr. Clay, in consequence of an attack which he had made upon his private as well as public character,

in the Senate; that I was aware no one had a right to question him out of the Senate for anything said in debate, unless he chose voluntarily to waive his privileges as a member of that body. Mr. Randolph replied, that the Constitution did protect him, but he would never shield himself under such a subterfuge as the pleading of his privilege as a Senator from Virginia; that he did hold himself accountable to Mr. Clay; but he said that gentleman had first two pledges to redeem,—one, that he had bound himself to fight any member of the House of Representatives who should acknowledge himself the author of a certain publication in a Philadelphia paper; and the other, that he stood pledged to establish certain facts in regard to a great man, whom he would not name; but, he added, he could receive no verbal message from Mr. Clay,—that any message from him must be in writing. I replied, that I was not authorized by Mr. Clay to enter into, or receive, any verbal explanations,—that the inquiries I had made for my own satisfaction, and upon my own responsibility,—that the only message of which I was the bearer was in writing. I then presented the note, and remarked that I knew nothing of Mr. Clay's pledges; but that if they existed as he (Mr. Randolph) understood them, and he was aware of them when he made the attack complained of, he could not avail himself of them,—that by making the attack, I thought he had waived them himself. He said he had not the remotest intention of taking advantage of the pledges referred to,—that he had mentioned them merely to remind me that he was waiving his privilege, not only as a Senator from Virginia, but as a private gentleman,—that he was ready to respond to Mr. Clay, and would be obliged to me if I would bear his note in reply,—and that he would, in the course of the day, look out for a friend. I declined being the bearer of his note, but informed him my only reason for declining was, that I thought he owed to himself to consult his friends before taking so important a step. He seized my hand, saying, "You are right, sir. I thank you for the suggestion; but, as you do not take my note, you must not be impatient if you should not hear from me to-day. I now think of only two friends, and there are circumstances connected with one of them which may deprive me of his services, and the other is in bad health,—he was sick yesterday, and may not be out to-day."

"I assured him that any reasonable time which he might find necessary to take, would be satisfactory. I took leave of him; and it is due to his memory to say, that his bearing was, throughout the interview, that of a high-toned, chivalrous gentleman of the old school."

"These were the circumstances of the delivery of the challenge, and the only thing necessary to give them their full character is to recollect that, with this prompt acceptance and positive refusal to explain, and this extra cut about the two pledges, there was a perfect determination not to fire at Mr. Clay. That determination rested on two grounds: first, an entire unwillingness to hurt Mr. Clay; and, next, a conviction that to return the fire would be to answer, and would be an implied acknowledgment of Mr. Clay's right to make him answer. This he

would not do, either by implication or in words. He denied the right of any person to question him out of the Senate for words spoken within it. He took a distinction between man and Senator. As Senator he had a constitutional immunity, given for a wise purpose, and which he would neither surrender nor compromise: as individual he was ready to give satisfaction for what was deemed an injury. He would receive, but not return, a fire. It was as much as to say, Mr. Clay may fire at me for what has offended him; I will not, by returning the fire, admit his right to do so. This was a subtle distinction, and that in a case of life and death, and not very clear to the common intellect; but to Mr. Randolph both clear and convincing. His allusion to the 'two pledges unredeemed,' which he might have plead in bar to Mr. Clay's challenge, and would not, was another sarcastic cut at Mr. Adams and Mr. Clay, while rendering satisfaction for cuts already given. The 'member of the House' was Mr. George Kremer, of Pennsylvania, who, at the time of the presidential election in the House of Representatives, had avowed himself to be the author of an anonymous publication, the writer of which Mr. Clay had threatened to call to account if he would avow himself, — and did not. The 'great man' was President Adams, with whom Mr. Clay had had a newspaper controversy, involving a question of fact, — which had been postponed. The cause of this sarcastic cut, and of all the keen personality in the Panama speech, was the belief that the President and Secretary, the latter especially, encouraged the newspapers in their interest to attack him, which they did incessantly; and he chose to overlook the editors and retaliate upon the instigators, as he believed them to be. This he did to his heart's content in that speech, — and to their great annoyance, as the coming of the challenge proved. The 'two friends' alluded to were Colonel Tatnall and myself, and the circumstances which might disqualify one of the two were those of my relationship to Mrs. Clay, of which he did not know the degree, whether of affinity or consanguinity, — considering the first no obstacle, the other a complete bar to my appearing as his second, — holding, as he did, with the tenacity of an Indian, to the obligations of blood, and laying but little stress on marriage connections. His affable reception and courteous demeanor to General Jesup were according to his high breeding, and the decorum which belong to such occasions. A duel in the circle to which he belonged was 'an affair of honor'; and high honor, according to its code, must pervade every part of it. General Jesup had come upon an unpleasant business. Mr. Randolph determined to put him at his ease; and did it so effectually as to charm him into admiration. The whole plan of his conduct, down to contingent details, was cast in his mind instantly, as if by intuition, and never departed from. The acceptance, the refusal to explain, the determination not to fire, the first and second choice of a friend, and the circumstances which might disqualify one and delay the other, the additional cut, and the resolve to fall, if he fell, on the soil of Virginia, was all, to his mind, a single emanation, — the flash of an instant. He needed no consultations, no deliberations, to arrive

at all these important conclusions. I dwell upon these small circumstances because they are characteristic, and show the man,—a man who belongs to history, and had his own history, and should be known as he was. That character can only be shown in his own conduct,—his own words and acts: and this duel with Mr. Clay illustrates it at many points. It is in that point of view that I dwell upon circumstances which might seem trivial, but which are not so, being illustrative of character, and significant, to their smallest particulars.

"The acceptance of the challenge was in keeping with the whole proceeding,—prompt in the agreement to meet, exact in protesting against the *right* to call him out, clear in the waiver of his constitutional privilege, brief and cogent in presenting the case as one of some reprehension,—the case of a member of an administration challenging a Senator for words spoken in debate of that administration; and all in brief, terse, and superlatively decorous language. It ran thus: 'Mr. Randolph accepts the challenge of Mr. Clay; at the same time, he protests against the *right* of any minister of the executive government of the United States to hold him responsible for words spoken in debate, as a Senator from Virginia, in crimination of such minister, or the administration under which he shall have taken office. Colonel Tatnall, of Georgia, the bearer of this letter, is authorized to arrange with General Jesup (the bearer of Mr. Clay's challenge) the terms of the meeting to which Mr. Randolph is invited by that note.'

"This *protest* which Mr. Randolph entered against the *right* of Mr. Clay to challenge him, led to an explanation between their mutual friends on that delicate point,—a point which concerned the independence of debate, the privileges of the Senate, the immunity of a member, and the sanctity of the Constitution. It was a point which Mr. Clay felt; and the explanation which was had between the mutual friends presented an excuse, if not a justification, for his proceeding. He had been informed that Mr. Randolph, in his speech, had avowed his responsibility to Mr. Clay, and waived his privilege,—a thing which, if it had been done, would have been a defiance, and stood for an invitation to Mr. Clay to send a challenge. Mr. Randolph, through Colonel Tatnall, disavowed that imputed avowal, and confined his waiver of privilege to the time of the delivery of the challenge, and in answer to an inquiry before it was delivered.

"The following are the communications between the respective seconds on this point:—

"'In regard to the *protest* with which Mr. Randolph's note concludes, it is due to Mr. Clay to say that he had been informed Mr. Randolph did, and would, hold himself responsible to him for any observations he might make in relation to him; and that I (General Jesup) distinctly understood from Mr. Randolph, before I delivered the note of Mr. Clay, that he waived his privilege as a Senator.'

"To this Colonel Tatnall replied:—

"'As this expression (did and would hold himself responsible, &c.) may be construed to mean that Mr. Randolph had given this intima-

tion not only before called upon, but in such a manner as to throw out to Mr. Clay something like an invitation to make such a call, I have, on the part of Mr. Randolph, to disavow any disposition, when expressing his readiness to waive his privilege as a Senator from Virginia, to invite, in any case, a call upon him for personal satisfaction. The concluding paragraph of your note, I presume, is intended to show merely that you did not present a note, such as that of Mr. Clay to Mr. Randolph, until you had ascertained his willingness to waive his privilege as a Senator. This I infer, as it was in your recollection, that the expression of such a readiness, on the part of Mr. Randolph, was in reply to an inquiry on that point made by yourself.

"Thus an irritating circumstance in the affair was virtually negated, and its offensive import wholly disavowed. For my part, I do not believe that Mr. Randolph used such language in his speech. I have no recollection of having heard it. The published report of the speech, as taken down by the reporters, and not revised by the speaker, contains nothing of it. Such gasconade was foreign to Mr. Randolph's character. The occasion was not one in which these sort of defiance are thrown out, which are either to purchase a cheap reputation when it is known they will be despised, or to get an advantage in extracting a challenge when there is a design to kill. Mr. Randolph had none of these views with respect to Mr. Clay. He had no desire to fight him, or to hurt him, or gain cheap character by appearing to bully him. He was above all that, and had settled accounts with him in his speech, and wanted no more. I do not believe it was said. But there was a part of the speech which might have received a wrong application, and led to the erroneous report, — a part which applied to a quoted passage in Mr. Adams's Panama message, which he condemned and denounced, and dared the President and his friends to defend. His words were, as reported un-revised, 'Here I plant my foot; here I fling defiance right into his (the President's) teeth; here I throw the gauntlet to him, and the bravest of his compeers, to come forward and defend these lines,' &c. A very palpable defiance this, but very different from a summons to personal combat, and from what was related to Mr. Clay. It was an unfortunate report, doubtless the effect of indistinct apprehension, and the more to be regretted as, after having been a main cause in inducing the challenge, the disavowal could not stop it.

"Thus the agreement for the meeting was absolute, and, according to the expectation of the principals, the meeting itself would be immediately; but their seconds, from the most laudable feelings, determined to delay it, with the hope to prevent it, — and did keep it off a week, admitting me to a participation in the good work, as being already privy to the affair, and friendly to both parties. The challenge stated no specific ground of offence, — specified no exceptionable words. It was peremptory and general, for an 'unprovoked attack on his (Mr. Clay's) character,' and it dispensed with explanations by alleging that the notoriety and indisputable existence of the injury superseded the necessity for them. Of course this demand was bottomed on a report of the

words spoken,—a verbal report,—the full daily publication of the debates having not then began,—and was of a character greatly to exasperate Mr. Clay. It stated that in the course of the debate Mr. Randolph said, ‘that a letter from General Salazar, the Mexican Minister at Washington, submitted by the Executive to the Senate, bore the ear-mark of having been manufactured or forged by the Secretary of State, and denounced the administration as a corrupt coalition between the puritan and blackleg; and added at the same time, that he (Mr. Randolph) held himself personally responsible for all that he had said.’ This was the report to Mr. Clay, and upon which he gave the absolute challenge, and received the absolute acceptance, which shut out all inquiry between the principals into the causes of the quarrel. The seconds determined to open it, and to attempt an accommodation, or a peaceable determination of the difficulty. In consequence, General Jesup stated the complaint in a note to Colonel Tatnall thus: ‘The injury of which Mr. Clay complains consists in this: that Mr. Randolph has charged him with having forged or manufactured a paper connected with the Panama mission; also, that he has applied to him in debate the epithet of blackleg. The explanation which I consider necessary is, that Mr. Randolph declare that he had no intention of charging Mr. Clay, either in his public or private capacity, with forging or falsifying any paper, or misrepresenting any fact; and also, that the term blackleg was not intended to apply to him.’ To this exposition of the grounds of complaint, Colonel Tatnall answered: ‘Mr. Randolph informs me that the words used by him in debate were as follows: “That I thought it would be in my power to show evidence sufficiently presumptive to satisfy a Charlotte (County) jury, that this invitation was manufactured here, — that Salazar’s letter struck me as bearing a strong likeness in point of style to the other papers. I did not undertake to prove this, but expressed my suspicion that the fact was so. I applied to the administration the epithet, puritanic-diplomatic-blacklegged administration.” Mr. Randolph, in giving these words as those uttered by him in debate, is unwilling to afford any explanation as to their meaning and application.’ In this answer Mr. Randolph remained upon his original ground of refusing to answer out of the Senate for words spoken within it. In other respects the statement of the words actually spoken greatly ameliorated the offensive report, the coarse and insulting words ‘*forging and falsifying*’ being disavowed, as in fact they were not used, and are not to be found in the published report. The speech was a bitter philippic, and intended to be so, taking for its point the alleged coalition between Mr. Clay and Mr. Adams with respect to the election, and their efforts to get up a popular question contrary to our policy of non-entanglement with foreign nations, in sending ministers to the Congress of the American States of Spanish origin at the Isthmus of Panama. I heard it all, and though sharp and cutting, I think it might have been heard without any manifestation of resentment by Mr. Clay. The part which he took so seriously to heart, that of having the Panama invitations manufactured in his office, was to my mind nothing more than



attributing to him a diplomatic superiority, which enabled him to obtain from the South American ministers the invitations that he wanted; and not at all that they were spurious fabrications. As to the expression '*blackleg and puritan*,' it was merely a sarcasm to strike by antithesis, and which, being without foundation, might have been disregarded. I presented these views to the parties, and if they had come from Mr. Randolph might have been sufficient; but he was inexorable, and would not authorize a word to be said beyond what he had written.

"All hope of accommodation having vanished, the seconds proceeded to arrange for the duel. The afternoon of Saturday, the 8th of April, was fixed upon for the time, — the right bank of the Potomac, within the State of Virginia, above the Little Falls bridge, was the place, — pistols the weapons, distance ten paces, — each party to be attended by two seconds and a surgeon, and myself at liberty to attend as a mutual friend. There was to be no practising with pistols, and there was none; and the words, 'One, two, three, — stop,' after the word 'Fire,' were, by agreement between the seconds, and for the humane purpose of reducing the result as near as possible to chance, to be given out in quick succession. The Virginia side of the Potomac was taken at the instance of Mr. Randolph. He went out as a Virginia Senator, refusing to compromise that character, and if he fell in defence of its rights, Virginia soil was to him the chosen ground to receive his blood. There was a statute of the State against duelling within her limits; but as he merely went out to receive a fire without returning it, he deemed that no fighting, and consequently no breach of her statute. This reason for choosing Virginia could only be explained to me, as I alone was the depository of his secret. The week's delay which the seconds had contrived was about expiring. It was Friday evening, or rather night, when I went to see Mr. Clay for the last time before the duel. There had been some alienation between us since the time of the presidential election in the House of Representatives, and I wished to give evidence that there was nothing personal in it. The family were in the parlor, — company present, — and some of it stayed late. The youngest child, I believe James, went to sleep on the sofa, — a circumstance which availed me for a purpose the next day. Mrs. Clay was, as always since the death of her daughters, the picture of desolation, but calm, conversible, and without the slightest apparent consciousness of the impending event. When all were gone, and she also had left the parlor, I did what I came for, and said to Mr. Clay that, notwithstanding our late political differences, my personal feelings towards him were the same as formerly, and that, in whatever concerned his life or honor, my best wishes were with him. He expressed his gratification at the visit and the declaration, and said it was what he would have expected of me. We parted at midnight.

"Saturday, the 8th of April, — the day for the duel, — had come, and almost the hour. It was noon, and the meeting was to take place at 4½ o'clock. I had gone to see Mr. Randolph before the hour, and for a purpose; and, besides, it was so far on the way, as he lived half-way

to Georgetown, and we had to pass through that place to cross the Potomac into Virginia at the Little Falls bridge. I had heard nothing from him on the point of not returning the fire since the first communication to that effect, eight days before. I had no reason to doubt the steadiness of his determination; but felt a desire to have some fresh assurance of it after so many days' delay, and so near approach of the trying moment. I knew it would not do to ask him the question,—any question which would imply a doubt of his word. His sensitive feelings would be hurt and annoyed at it. So I fell upon a scheme to get at the inquiry without seeming to make it. I told him of my visit to Mrs. Clay the night before,—of the late sitting,—the child asleep,—the unconscious tranquillity of Mrs. Clay; and added, I could not help reflecting how different all that might be the next night. He understood me perfectly, and immediately said, with a quietude of look and expression which seemed to rebuke an unworthy doubt, '*I shall do nothing to disturb the sleep of the child or the repose of the mother*,' and went on with his employment,—his seconds being engaged in their preparations in a different room,—which was, making codicils to his will, all in the way of remembrance to friends; the bequests slight in value, but invaluable in tenderness of feeling and beauty of expression, and always appropriate to the receiver. To Mr. Macon he gave some English shillings, to keep the game when he played whist. His namesake, John Randolph Bryan, then at school in Baltimore, and since married to his niece, was sent for to see him, but sent off before the hour for going out, to save the boy from a possible shock at seeing him brought back. He wanted some gold,—that coin not being then in circulation, and only to be obtained by favor or purchase,—and sent his faithful man, Johnny, to the United States Branch Bank to get a few pieces,—American being the kind asked for. Johnny returned without the gold, and delivered the excuse that the bank had none. Instantly his clear silver-toned voice was heard above its natural pitch, exclaiming: 'Their name is legion! and they are liars from the beginning. Johnny, bring me my horse.' His own saddle-horse was brought him—for he never rode Johnny's, nor Johnny his, though both, and all his hundred horses, were of the finest English blood,—and rode off to the bank down Pennsylvania Avenue, now Corcoran & Riggs's,—Johnny following, as always, forty paces behind. Arrived at the bank, this scene, according to my informant, took place. Mr. Randolph asked for the state of his account, was shown it, and found it to be some four thousand dollars in his favor. He asked for it. The teller took up packages of bills, and civilly asked in what sized notes he would have it. 'I want money,' said Mr. Randolph, putting emphasis on the word; and at that time it required a bold man to intimate that United States Bank notes were not money. The teller, beginning to understand him, and willing to make sure, said, inquiringly: 'You want silver?' 'I want my money!' was the reply. Then the teller, lifting boxes to the counter, said, politely, 'Have you a cart, Mr. Randolph, to put it in.' 'That is my business, sir,' said he. By that time the attention of the

cashier (Mr. Richard Smith) was attracted to what was going on, who came up, and, understanding the question and its cause, told Mr. Randolph there was a mistake in the answer given to his servant,—that they had gold, and he should have what he wanted. In fact, he had only applied for a few pieces, which he wanted for a special purpose. This brought about a compromise. The pieces of gold were received,—the cart and the silver dispensed with; but the account in the bank was closed, and a check taken for the amount on New York. He returned, and delivered me a sealed paper, which I was to open if he was killed,—give back to him if he was not; also an open slip, which I was to read before I got to the ground. This slip was a request to feel in his left breeches pocket, if he was killed, and find so many pieces of gold,—I believe nine,—take three for myself, and give the same number to Tatnall and Hamilton each to make seals to wear in remembrance of him. We were all three at Mr. Randolph's lodgings then, and soon sat out,—Mr. Randolph and his seconds in a carriage, I following him on horseback.

"I have already said that the count was to be quick after giving the word 'Fire,' and for a reason which could not be told to the principals. To Mr. Randolph, who did not mean to fire, and who, though agreeing to be shot at, had no desire to be hit, this rapidity of counting out the time, and quick arrival at the command 'Stop,' presented no objection. With Mr. Clay it was different. With him it was all a real transaction, and gave rise to some proposal for more deliberateness in counting off the time; which being communicated to Colonel Tatnall, and by him to Mr. Randolph, had an ill effect upon his feelings, and, aided by an untoward accident on the ground, unsettled for a moment the noble determination which he had formed not to fire at Mr. Clay. I now give the words of General Jesup: 'When I repeated to Mr. Clay the "word" in the manner in which it would be given, he expressed some apprehension that, as he was not accustomed to the use of the pistol, he might not be able to fire within the time, and for that reason alone desired that it might be prolonged. I mentioned to Colonel Tatnall the desire of Mr. Clay. He replied, "If you insist upon it, the time must be prolonged, but I should very much regret it." I informed him I did not insist upon prolonging the time, and I was sure Mr. Clay would acquiesce. The original agreement was carried out.'

"I knew nothing of this until it was too late to speak with the seconds or principals. I had crossed the Little Falls bridge just after them, and come to the place where the servants and carriages had stopped. I saw none of the gentlemen, and supposed they had all gone to the spot where the ground was being marked off; but on speaking to Johnny, Mr. Randolph, who was still in his carriage and heard my voice, looked out from the window and said to me: 'Colonel, since I saw you, and since I have been in this carriage, I have heard something which may make me change my determination. Colonel Hamilton will give you a note which will explain it.' Colonel Hamilton was then in the carriage, and gave me the note, in the course of the evening, of which

Mr. Randolph spoke. I readily comprehended that this possible change of determination related to his firing; but the emphasis with which he pronounced the word '*may*,' clearly showed that his mind was undecided, and left it doubtful whether he would fire or not. No further conversation took place between us; the preparations for the duel were finished; the parties went to their places; and I went forward to a piece of rising ground, from which I could see what passed and hear what was said. The faithful Johnny followed me close, speaking not a word, but evincing the deepest anxiety for his beloved master. The place was a thick forest, and the immediate spot a little depression, or basin, in which the parties stood. The principals saluted each other courteously as they took their stands. Colonel Tatnall had won the choice of position, which gave to General Jesup the delivery of the word. They stood on a line east and west, — a small stump just behind Mr. Clay; a low gravelly bank rose just behind Mr. Randolph. This latter asked General Jesup to repeat the word as he would give it; and while in the act of doing so, and Mr. Randolph adjusting the butt of his pistol to his hand, the muzzle pointing downwards, and almost to the ground, it fired. Instantly Mr. Randolph turned to Colonel Tatnall, and said, 'I protested against that hair trigger.' Colonel Tatnall took blame to himself for having sprung the hair. Mr. Clay had not then received his pistol. Mr. Johnson (Josiah), one of his seconds, was carrying it to him, and still several steps from him. This untimely fire, though clearly an accident, necessarily gave rise to some remarks, and a species of inquiry, which was conducted with the utmost delicacy, but which, in itself, was of a nature to be inexpressibly painful to a gentleman's feelings. Mr. Clay stopped it with the generous remark that the fire was clearly an accident, and it was so unanimously declared. Another pistol was immediately furnished; an exchange of shots took place, and, happily, without effect upon the persons. Mr. Randolph's bullet struck the stump behind Mr. Clay, and Mr. Clay's knocked up the earth and gravel behind Mr. Randolph, and in a line with the level of his hips, both bullets having gone so true and close, that it was a marvel how they missed. The moment had come for me to interpose. I went in among the parties and offered my mediation, but nothing could be done. Mr. Clay said, with that wave of the hand with which he was accustomed to put away a trifle, '*This is child's play!*' and required another fire. Mr. Randolph also demanded another fire. The seconds were directed to reload. While this was doing, I prevailed on Mr. Randolph to walk away from his post, and renewed to him, more pressingly than ever, my importunities to yield to some accommodation; but I found him more determined than I had ever seen him, and for the first time impatient, and seemingly annoyed and dissatisfied, at what I was doing. He was indeed annoyed and dissatisfied. The accidental fire of his pistol preyed upon his feelings. He was doubly chagrined at it, both as a circumstance susceptible in itself of an unfair interpretation, and as having been the immediate and controlling cause of his firing at Mr. Clay. He regretted this fire the instant it was over. He felt that

it had subjected him to imputations from which he knew himself to be free, — a desire to kill Mr. Clay, and a contempt for the laws of his beloved State; and the annoyances which he felt at these vexatious circumstances revived his original determination, and decided him irrevocably to carry it out.

"It was in this interval that he told me what he had heard since we parted, and to which he alluded when he spoke to me from the window of the carriage. It was to this effect: that he had been informed by Colonel Tatnall, that it was proposed to give out the words with more deliberateness, so as to prolong the time for taking aim. This information grated harshly upon his feelings. It unsettled his purpose, and brought his mind to the inquiry (as he now told me, and as I found it expressed in the note which he had immediately written in pencil to apprise me of his possible change) whether, under these circumstances, he might not 'disable' his adversary. This note is so characteristic, and such an essential part of this affair, that I here give its very words, so far as it relates to this point. It ran thus:—

"Information received from Colonel Tatnall since I got into the carriage *may* induce me to change my mind of not returning Mr. Clay's fire. I seek not his death. I would not have his blood upon my hands—it will not be upon my soul if shed in self-defence—for the world. He has determined, by the use of a long, preparatory caution by words, to get time to kill me. May I not, then, disable him? Yes, if I please."

"It has been seen by the statement of General Jesup, already given, that this 'information' was a misapprehension; that Mr. Clay had not applied for a prolongation of time for the purpose of getting sure aim, but only to enable his unused hand, long unfamiliar with the pistol, to fire within the limited time; that there was no prolongation, in fact, either granted or insisted upon; but he was in doubt, and General Jesup having won the word, he was having him repeat it in the way he was to give it out, when his finger touched the hair-trigger. How unfortunate that I did not know of this in time to speak to General Jesup, when one word from him would have set all right, and saved the imminent risks incurred. This inquiry, 'May I not disable him?' was still on Mr. Randolph's mind, and dependent for its solution on the rising incidents of the moment, when the accidental fire of his pistol gave the turn to his feelings which solved the doubt. But he declared to me that he had not aimed at the life of Mr. Clay; that he did not level as high as the knee,—not higher than the knee-band, 'for it was no mercy to shoot a man in the knee'; that his only object was to disable him, and spoil his aim. And then added, with a beauty of expression and a depth of feeling which no studied oratory can ever attain, and which I shall never forget, these impressive words: '*I would not have seen him fall mortally, or even doubtfully, wounded, for all the land that is watered by the King of Floods and all his tributary streams.*' He left me to resume his post, utterly refusing to explain out of the Senate anything that he had said in it, and with the positive declaration that he would

not return the next fire. I withdrew a little way into the woods, and kept my eyes fixed upon Mr. Randolph, who I then knew to be the only one in danger. I saw him receive the fire of Mr. Clay, saw the gravel knocked up in the same place, saw Mr. Randolph raise his pistol, — discharge it into the air, — heard him say, '*I do not fire at you, Mr. Clay,*' — and immediately advancing, and offering his hand. He was met in the same spirit. They met half-way, shook hands, Mr. Randolph saying jocosely, '*You owe me a coat, Mr. Clay,*' — (the bullet had passed through the skirt of the coat, very near the hip,) — to which Mr. Clay promptly and happily replied, '*I am glad the debt is no greater.*' I had come up, and was prompt to proclaim what I had been obliged to keep secret for eight days. The joy of all was extreme at this happy termination of a most critical affair, and we immediately left, with lighter hearts than we brought. I stopped to sup with Mr. Randolph and his friends, — none of us wanted dinner that day, — and had a characteristic time of it. A runner came in from the bank, to say that they had overpaid him, by mistake, \$180 that day. He answered, '*I believe it is your rule not to correct mistakes, except at the time, and at your counter.*' And with that answer the runner had to return. When gone, Mr. Randolph said, '*I will pay it on Monday; people must be honest, if banks are not.*' He asked for the sealed paper he had given me, opened it, took out a check for \$1,000, drawn in my favor, and with which I was requested to have him carried, if killed, to Virginia, and buried under his patrimonial oaks, — not let him be buried at Washington, with an hundred hacks after him. He took the gold from his left breeches pocket, and said to us, (Hamilton, Tatnall, and I,) 'Gentlemen, Clay's bad shooting sha'n't rob you of your seals. I am going to London, and will have them made for you,' — which he did, and most characteristically, so far as mine was concerned. He went to the herald's office in London, and inquired for the Benton family, of which I had often told him there was none, as we only dated on that side from my grandfather in North Carolina. But the name was found, and with it a coat of arms, — among the quarterings a lion rampant. This is the family, said he; and had the arms engraved on the seal, the same which I have since habitually worn; and added the motto, *Factis non verbis*, of which he was afterwards accustomed to say, the *non* should be changed into *et*. But, enough. I run into these details, not merely to relate an event, but to show character; and if I have not done it, it is not for want of material, but of ability to use it.

"On Monday the parties exchanged cards, and social relations were formally and courteously restored. It was about the first high-toned duel that I have witnessed, and among the highest-toned that I have ever witnessed, and so happily conducted to a fortunate issue, a result due to the noble character of the seconds, as well as to the generous and heroic spirit of the principals. Certainly, duelling is bad, and has been put down, but not quite so bad as its substitute, — revolvers, bowie-knives, blackguarding, and street-assassinations under the pretext of self-defence."

CLERMONT, LOUIS DE, and ST. PHAL. In France, in the latter part of the sixteenth century. Clermont was a French noble, sometimes called Bussy d'Amboise. An assassin, a libertine, and a professed duellist, he was one of the worst men of his time. His affair with St. Phal shows how wantonly he provoked a quarrel. That gentleman, looking at some embroidery, remarked that the letter X was worked on it. Clermont, insolently, and purely from a spirit of contradiction, asserted that the letter was Y. A duel of six against six was the consequence. Clermont was slightly wounded; but, dissatisfied with the result, he challenged St. Phal a second time, which caused the King to interfere, and put an end to the dispute. For his many offences Clermont was consigned to the Bastile. Released by the interference of persons of influence at court, he was soon after slain by a nobleman whose wife he had seduced, when expecting to meet the lady, in accordance with an appointment made on compulsion by the injured husband.

CLINTON, DE WITT, and JOHN SWARTWOUT. Near the city of New York, in 1802. The dispute was political: Hamilton was involved, and, two years later, became a victim. A correspondence preceded the meeting between Clinton and his opponent, in which concessions were demanded and evaded. On the ground, Clinton is said to have expressed the wish (referring to Burr), that he "had the principal there."

The seconds were R. Riker and W. S. Smith. The statement of the latter follows. It will be seen that the *parties exchanged five shots*.

"The ground being correctly measured, and intermediate questions adjusted, the gentlemen took their stations, — were each presented with a pistol, and, by order, faced to the right, and fired, ineffectually. At the request of Mr. Riker, I asked Mr. Swartwout, 'Are you satisfied, sir?' He answered, 'I am not.' The pistols then being exchanged, and their positions resumed, by order, the gentlemen faced to the right, and fired a second shot, without effect. At the request of Mr. Riker, I again addressed Mr. Swartwout, 'Are you satisfied, sir?' He answering strongly in the negative, we proceeded, and a third shot was exchanged without injury. At the request of Mr. Riker, I again asked Mr. Swartwout, 'Are you satisfied, sir?' He answered, 'I am not, — neither shall I be, until that apology is made which I have demanded. Until then, we must proceed.' I then presented a paper to Mr. Riker, containing the apology demanded, for Mr. Clinton's signature, observing, that we could not spend our time in conversation; that this paper must be signed or proceed. Mr. Clinton declared he would not sign any

paper on the subject,—that he had no animosity against Mr. Swartwout,—would willingly shake hands and agree to meet on the score of former friendship.

“Mr. Swartwout insisting on his signature to the apology, and Mr. Clinton declining, they stood at their posts and fired a fourth shot. Mr. Clinton’s ball struck Mr. Swartwout’s left leg, about five inches below the knee;—he stood ready and collected. At the request of Mr. Riker, I again addressed Mr. Swartwout, ‘Are you satisfied, sir?’ He answered, that ‘It was useless to repeat the question,—my determination is fixed,—and I beg we may proceed.’ Mr. Clinton repeated that he had no animosity against Mr. Swartwout,—was sorry for what had passed,—proposed to advance, shake hands, and bury the circumstance in oblivion. During this conversation, Mr. Swartwout’s surgeon, kneeling by his side, extracted the ball from the opposite side of his leg. Mr. Swartwout standing erect on his post, and positively declining anything short of an ample apology, they fired the fifth shot, and Mr. Swartwout received the ball in the left leg, about five inches above the ankle; still, however, standing steadily on his post, perfectly composed. At the request of Mr. Riker, I again addressed Mr. Swartwout, ‘Are you satisfied, sir?’ He forcibly answered, ‘I am not, sir; proceed.’ Mr. Clinton then quit his station, declined the combat, and declared he would fire no more. Mr. Swartwout expressed himself surprised, that Mr. Clinton would neither apologize nor give him the satisfaction required; and addressing me, said, ‘What shall I do, my friend?’ I answered, ‘Mr. Clinton declines making the apology required,—refuses taking his position,—and positively declares he will fight no more; and his second appearing to acquiesce in the disposition of his principal, there is nothing further left for you now, but to have your wounds dressed.’ The surgeons attended, dressed Mr. Swartwout’s wounds, and the gentlemen, in their respective barges, returned to the city.”

Mr. Clinton was challenged the year following, for words spoken in the Senate of the United States. (See *Jonathan Dayton*.)

CLONMELL, LORD, and LORD TYRAWLY. The family name of the first, Scott; of the latter, Cuffe. The case is related by Barrington, and is a curious one. It seems that Lady Tyrawly had an utter aversion to her husband; and as a means to procure a divorce from him, confessed to him in tears, and upon her knees, that she was an adulteress. His lordship ordered her out of the house, and to private lodgings. He next summoned a friend, and informed him that his wife had confessed that “the villain Scott,” the Attorney-General and pretended friend of the family, was her seducer. The Attorney-General was accordingly challenged. That gentleman, believing that a declaration of innocence on his part would be regarded only as an honorable perjury, to save her ladyship’s reputation, and to screen



himself from her husband's vengeance, determined to meet his lordship. They exchanged shots. Mr. Scott then told his antagonist, that he never had the slightest familiarity with her ladyship, upon his honor; and here the affair terminated. It may be added, that her ladyship secured a separate maintenance by her trick.

COBDEN, RICHARD, Member of Parliament. See *Hastings*, *Admiral Sir Thomas*.

COCHRAN, —, and JOSEPH BAINBRIDGE. At Malta, in 1803. Cochran, an Englishman, and secretary of Sir Alexander Ball, Governor of Malta; Bainbridge, a midshipman in the navy of the United States, and attached to the frigate *New York*.

The papers of Commodore Preble, in my possession, afford ample evidence, that at this period our navy and its officers were held in utter contempt. His flag-ship (the frigate *Constitution*) was called, in derision, "a bunch of pine boards," and the gentlemen who were in service in the Mediterranean during the war with Tripoli were often treated with indignity. This was especially the case when the American squadrons under the command of Commodores Dale and Morris were in that sea.

While Morris was there, the *New York*, one of his ships, put into Malta. Bainbridge and a brother officer went on shore. At the theatre they met Cochran and other British officers, who reflected upon the valor of their countrymen, and followed them into the lobby. In pacing the lobby, Cochran, — the principal aggressor in words previously, — ran against Bainbridge three several times. Upon the last collision Bainbridge knocked him down. A challenge from Cochran was the result. Lieutenant Stephen Decatur arranged the terms of meeting. Bainbridge was not practised with the pistol at any distance; but Cochran was sure at ten paces. Decatur, as a device to save his friend's life, proposed four paces, to which Cochran's friend objected. Decatur insisted, and prevailed. The parties exchanged shots without effect. At the second fire Cochran was mortally wounded in the head.

Sir Alexander Ball demanded the surrender of the two American officers for trial; and the British government took notice of the affair in a communication to our Minister in London. The successor of Cochran, as secretary of Sir Alexander, was the celebrated Samuel Taylor Coleridge, who had been employed as an editor of a London newspaper, the *Morning Post*.

COCKE, SAMUEL B., and MR. GIBSON. Near Washington, in

1622. The former, a midshipman in the navy ; the latter, a clerk in the Treasury Department. Cocke shot through the lungs ; Gibson not hurt.

COFFIN, JOHN. Two affairs. The first, in 1783, at New York. Duel with Colonel Campbell, in which Coffin was wounded in the groin ; both were officers in the British service, in the war of the Revolution.

Coffin was a native of Boston, a "Loyalist," a brother of Admiral Sir Isaac Coffin, and became a general. At the peace, he retired to the British possessions, and finally settled in the Province of New Brunswick. In 1818, he became involved in several controversies with gentlemen of consideration in that Province, and especially with the officers of His Majesty's customs. The cartel which follows was addressed to the Honorable Robert Parker the Comptroller of the Revenue for New Brunswick. Eastport, Maine, designated as the place of meeting, is still called by its ancient name, "*Moose Island*," by British colonists generally.

"SIR,—I have the honor to communicate the following note received from your son Nevil, last Sunday morning. I am not in the habit of entertaining young gentlemen at this *inconvenient place*. But, sir, *harboring no vindictive resentment against you*, and our ages being more equal, if you will attend me upon a party of pleasure to Moose Island, I shall be very happy to entertain you. I regret very much that I cannot offer you a passage in the schooner Martin, as she is at present out of commission.

"I have the honor to be, sir, with the utmost consideration, your most obedient humble servant,  
JOHN COFFIN."

COHN, or COHEN, and DR. WINTZEL. In Louisiana, 1853. The former, editor of the *Staats Zeitung* ; the latter, editor of the *Deutsche Zeitung*. Combat on Sunday. The *New Orleans Courier* says :—

"The conditions were, that one of them should first fire at fifteen paces, and, having advanced ten, should receive his adversary's fire at five paces. By the trial shot, the first fire was allotted to Mr. Cohn. He fired accordingly, but missed, and advanced ten paces. Dr. Wintzel raised his pistol, but lowered it again. The hope thus raised that he did not intend to fire was disappointed ; for he presently raised his pistol again, fired, and struck Mr. Cohn on the right side below the ribs. At first the wound was pronounced mortal ; but we learn that Mr Cohn might recover. The ball has not been extracted."

Another account of the affair is, that

"The parties fought with pistols, at fifteen paces' distance. It is reported that Mr. Cohen fired first,—his antagonist reserving his fire,—and that then Mr. Cohen advanced ten steps and received the fire of the opposing party at five paces' distance. Rumor has it that the ball took effect about the middle of Cohen's body, inflicting a wound that is pronounced mortal."

COKER, JOSEPH B. See *Stewart, Claudius C.*

COLBEE, a corporal in the army of the Revolution. In 1779, while stationed at the Highlands, New York. Challenge to Sergeant Powers. The Corporal was tried by a court-martial, and sentenced to be reduced to the ranks.

COLCLOUGH, and ALCOCK. In Ireland, year 1808. This is one of the saddest tales in the annals of duelling. The parties were rival candidates for a seat in Parliament, for the county of Wexford, Ireland. The causes were political. Tenants of "forty shillings a year" were voters. Alcock had obtained the favor of a lady who owned an estate in the county, and his friends counted upon the votes of her tenants; but the tenants preferred Colclough, and tendered their votes to him accordingly.

This was resented, and Colclough was required to refuse their suffrages. He declined, stating, that he had not solicited their votes, and could not interfere to prevent them from doing as they pleased. It was then said to him, "Receive their votes at your peril!"

Before the opening of the poll, the following day, the two gentlemen met. Hundreds of people were present; and among them, *twelve county magistrates*, and many of the tenants who had occasioned the combat. Colclough was shot through the heart at the first fire, and fell dead. In a few hours, Alcock was returned *duly elected*. He was tried at Wexford, on an indictment for murder, and acquitted. It appeared in evidence, that before delivering his fire he put on spectacles, which, it was proved, he did not always wear.

The most distressing part of the affair remains to be told. The combatants had been warm friends. The recollections of the duel, and of the trial which followed it, were fatal to the survivor. He became melancholy; his reason wandered; and he died, a mental and physical wreck, in a madhouse. His sister, too, an intimate friend of Colclough, "doubly wounded," did not long survive. Lovely and sensitive, the horrible transaction was ever present to her imagination. After her brother's death, she wasted away in hopeless insanity.

COLEMAN, WILLIAM, editor of *New York Evening Post*. See *Cheetham, James*, and also *Thompson, Captain*.

COLES, GEORGE. See *Palmer, —*.

COLLETT, JOSHUA W. In Mexico, 1848. He was a captain in the army of the United States, and was slain. Antagonist unknown.

COLLINS, —, ex-Sheriff. See *Winters, Charles*.

COLT, SIR HENRY DUTTON. See *Fielding, —*.

COLTER, JOHN. See *Nugent, John*.

CONCHA, J. DE LA, General. See *Soule, Neville*.

CONDE, Prince of. See *Turenne, Viscount*.

CONDE, the Prince of, and the Count AGOULT. In France, previous to 1789. The Prince was wounded. Napoleon's victim, the Duc d'Enghien, was his grandson. Conde died at Paris, in 1818.

CONNECTICUT, Constitutional provision : —

"The privileges of an elector shall be forfeited by a conviction of bribery, forgery, perjury, *duelling*, fraudulent bankruptcy, theft, or other offence, for which an infamous punishment is inflicted."

CONNER, CONSTANT. A Loyalist, or Tory, in the Revolution, and an officer in the corps called the "Royal Fensible Americans." He went to Nova Scotia at the peace of 1783, where, in a duel, he slew his adversary. Conner died at Halifax.

CONRAD, —. See *Geoffrey of Lusignan*.

CONSTABLE, PHILIP, and EDWARD PERCY. In England, in 1618. Constable was killed; he was of Wassand, county of York.

CONVERSANO, Count of, and the Duke of MARTINA. In 1664. Both nobles of Naples. The Duke was a mere youth; and appeared as the *champion* of his uncle, the Prince of Francavilla, who was an old man, as was also the Count of Conversano. These two aged noblemen had hated each other for a long time, and for various causes. The Count met his enemy in the public street, and leaning over his carriage struck him repeatedly with the flat side of his sword. This was the immediate cause of the duel.

The Count consented that the young Duke might be the substitute for his uncle ; and agreed, moreover, to a year's delay, in order that the Duke might " finish his education," or, more probably, perfect himself in the art of fencing.

The Duke prepared himself for the combat by making his will, by confession according to the rites of the Church, and by taking affectionate leave of his mother. The Count, on the contrary, ordered a sumptuous feast to be prepared, and invited his friends and retainers to partake of it after the duel. They met, and the Count was slain.

CONWAY, THOMAS, Knight of the Order of St. Louis, and JOHN CADWALADER, of Pennsylvania. In 1778. Both were general officers in the army of the Revolution.

The commonly received, and probably the true opinion, is, that Conway's enmity to Washington, and his participation in the intrigue to displace the Commander-in-chief, and to elevate Gates, was the cause of the meeting between these two gentlemen. Graydon, in his Memoirs, while he refers especially to this intrigue, inclines to consider that the immediate origin of the duel was the opposition of Cadwalader to Conway's application to Congress for the commission of a major-general, on account of misconduct at Germantown.

Conway was dangerously wounded. His adversary's bullet entered his mouth, and he fell directly on his face. He thought his injury mortal ; and atoned to Washington in the following terms :—

*" Philadelphia, February 23d, 1778.*

" SIR, — I find myself just able to hold my pen during a few minutes, and take this opportunity of expressing my sincere grief, for having done, written, or said anything disagreeable to your Excellency. My career will soon be over, therefore justice and truth prompt me to declare my last sentiments. You are, in my eyes, the great and good man. May you long enjoy the love, esteem, and veneration of these States, whose liberties you have asserted by your virtues.

" I am, &c., THOMAS CONWAY."

CONWAY, General, and ROBERT CRITTENDEN. In 1830, or a year or two earlier, in Arkansas. Supposed the first *party* or political duel in that State. Several gentlemen who subsequently became distinguished in the national councils were involved in the affair. Crittenden's friend on the ground was " Ben Desha," a son of a governor of Kentucky ; the second of Conway, Colonel Wharton Rector.

I give the material circumstances from an article which appeared, some years ago, in Noah's *Weekly Messenger*, presumed from the pen of the editor : —

"In 1830, Crittenden and Conway began to canvass the Territory as opponents for the office of Delegate to the supreme Congress of the nation, the former being a Whig, and the latter a Democrat. The field was altogether new ; parties had not yet been organized, and all was in a state of transition, — agitated, stormy, and doubtful. The magnificence of the prize for which they struggled stimulated the rivals to the highest degree of enthusiasm, until the strife became maddening, and burst over all the boundaries of decent language, and even common courtesy. It was generally believed, that whatsoever party acquired the ascendancy now would be enabled to keep it a long while, perhaps for ever. Under such circumstances, the excitement of the people and their leaders may be imagined.

"For a time the opposing candidates pursued different circuits, one sweeping the stumps of the north, and the other those of the south. They were probably induced to take this course in the first instance from the same motive, — a desire to avoid a personal collision ; for they seem all along to have dreaded such a termination. The sovereign voters were dissatisfied with this distant cannonade. They loudly demanded that the champions should be brought to close quarters, so as to afford an opportunity of deciding their respective merits with the senses and by immediate contrast. Hence the political chieftains were forced to submit, and the primary 'pitched battle' was appointed to come off at Little Rock, in midsummer.

"On the day designated, an immense concourse assembled to witness the trial of strength. Intense was the ferment of passionate feeling. Many spectators were even known to have travelled four hundred miles to be present on the occasion. The hunters and herdsmen who were too poor to pay the expense of board and lodgings at the hotels, 'camped out' in the woods around the town. Early in the morning it was discovered that no house could be procured large enough to hold a tithe of the people already arrived, and accordingly the place of meeting was changed from the city hall to a beautiful grove of pines in the vicinity, which, before the sun had performed three hours' space of his long summer journey, was densely crowded by the eager masses, — the true rulers, whose sceptre lay in the ballot-box."

An earnest discussion ensued, which at last became personal. At the close of Crittenden's second speech, he said that he "trusted no gentleman would utter words, in the heat of debate, towards him, such as could not be tolerated by the code of honor." Conway bounded to his feet, and poured forth a torrent of bitter invective, and burning denunciation.

"Crittenden rejoined with but a single sentence : — 'Your language, General Conway, admits of only one answer, and that, you may be sure,

I will make right speedily.' He then descended from the platform, and, attended by a few select friends, hurried away to his hotel. His second waited on Conway the same evening, and a hostile meeting was arranged for the following morning.

"A vast throng collected at the time and place appointed, to witness the duel. As soon as the parties appeared on the ground, they began to make their arrangements, and serious difficulties arose between the seconds on various points of order. While the dispute as to these was pending for almost an hour, Conway became restless, angry, and agitated, while Crittenden, trusting all to his friend, lay quiet on a blanket, with his eyes shut, as if enjoying a comfortable slumber. Finally everything was settled, and the principals took their positions, with their pistols cocked, and their fingers on the triggers.

"While the two antagonists were thus standing in position, the spectators at a glance contrasted their aspect and bearing. Crittenden inherited the noblest of human forms, with fair hair, blue eyes, and a lofty countenance, frank and open in its expression, and wearing the seal of death-defying bravery. He stood calm, collected, and unconcerned, like a rifleman about to fire at a mark. But Conway had a stern face, eyes dark as night, and his look of indubitable courage was perceptibly tinged with revenge. At length Desha gave the word, in a voice that rung afar over the hills like the peal of a trumpet: 'Fire! One!—two!—three!' At the sound 'Fire,' Conway instantly raised his weapon and pulled the trigger. His bullet grazed the other's breast, and cut a button off his coat, without more injury. But Crittenden waited till the last echo of the word 'two,' and then his pistol exploded. With the roar, General Conway dropped to the earth like lead. The ball had pierced through his heart."

The survivor died of a fever a few years afterwards. He was, I suppose, a brother of the Hon. John J. Crittenden, the distinguished statesman of Kentucky.

COOK, ZEBEDEE, JUN. See *Barrell, George*.

COOPER, F. A., and — Wood. In England, in the year 1825. A pugilistic encounter. The parties were Eton scholars of high rank: Cooper, a son of the Earl of Shaftesbury; Wood, a nephew of the Marquis of Londonderry. *Between the rounds, their schoolfellows plied them with brandy. The youth of the noble house of Shaftesbury was killed. The second of his antagonist was a Wellesley.*

Such a combat, on the borders of civilization in America, stimulated by whiskey from the hands of rough backwoodsmen, would be cited by *some* who visit us as an incident to show the state of American manners and morals.

COOTE, Captain, and the Earl of WARWICK. In England,

probably in 1699. The duel, three on a side, and in the dark. Some or all of the parties were half drunk. Coote was killed. The Earl of Warwick and Lord Mohun were tried for murder, but acquitted.

COPELAND, SIR JOHN. See *Lorres, Sir Lancelot de*.

CORRY, —. See *Grattan, Henry*.

CORTES, HERNANDO. In the words of the classic author of the *Conquest of Mexico*, —

“Cortes was a knight errant, in the literal sense of the word. Of all the band of adventurous cavaliers whom Spain, in the sixteenth century, sent forth on the career of discovery and conquest, there was none more deeply filled with the spirit of romantic enterprise.”

Again remarks Prescott: —

“His graver pursuits . . . . did not prevent his indulgence of the amatory propensities, which belong to the sunny clime where he was born; and this frequently involved him in affairs of honor, from which, though an expert swordsman, he carried away scars that accompanied him to his grave.”

COTTINEAU, Captain, in the navy of the United States. See *Landais, Pierre*.

COURCEY, H. DE. See *Carter, W. H.*

COURNET and BARTHELMY. In England, in 1852, near Windsor. The parties were Frenchmen. Cournet belonged to one of the first families in France, was a distinguished officer in the navy, and among its official representatives at the coronation of Queen Victoria. It is said that he had been the victor in fourteen duels. In this he was slain.

The difficulty which led to the meeting is understood to be this. Cournet went over to England, in 1851, on a visit, and was intrusted with a package for Barthelmy, who was already there, a political exile. Cournet had never seen him, and, hearing that his character was bad, determined not to deliver the parcel in person, and to avoid making his acquaintance. On his return to Paris, he stated these facts to the person who had intrusted him with the package. The circumstance became known to Barthelmy, who sent Cournet a challenge, which seems to have been accepted; but, for some reason or other, a meeting was prevented.

The following year, Cournet, in turn, proscribed by the French government, came to England a second time. The quarrel was



there renewed; but by the mediation of friends, adjusted. Courhet, however, feeling that he had consented to an arrangement under a menace, immediately addressed Barthelmy a letter, which placed the matter upon its original ground. The terms of a duel, after some negotiation as to weapons, &c., were then settled; the parties to commence with pistols, forty paces apart, to advance ten paces before the first shot, (if they chose,) — to fire twice, and then, pistols proving ineffectual, to use swords to end the affair, — the choice of position and of pistols, and the signal for firing, to be determined by “tossing up.”

“With this understanding the fatal rencontre took place. Cournet had the choice of position and of pistols, and his seconds also were to give the signal; so that the luck seemed to run in his favor. He advanced his ten paces and fired, but, though on fourteen similar occasions he had never failed to hit his opponent, this time he missed. Barthelmy then told him that he had his life in his hands, but would surrender his right to fire if Cournet would agree to terminate the duel with swords. Cournet declined to do so, saying that he would stand his adversary’s fire, and take his second shot. Barthelmy then levelled his pistol, but it snapped. He put a fresh cap on it and it snapped a second time; and it was then agreed that he should use Cournet’s pistol, which was loaded and handed to him. Before discharging it, however, he again offered ineffectually to terminate the contest with swords. He then fired, and with fatal precision.”

Three friends of the combatants, Mons. Mourney, Baronnet, and Allain, were arrested, examined, and committed; — the magistrates refusing bail. A number of French gentlemen were present at the examination, and among them M. Louis Blanc. The accused were asked, before being remanded, in the usual form, whether they had anything to say; when two of them put in the following statement:—

“Whatever may be the consequences of the severity of the English law against duelling, (of which I am informed,) I declare that I was the second of M. Cournet on the 19th of October; that the obligations and sincere friendship I entertained for him would not allow of my refusing to accompany him in this fatal rencontre. He was my best friend, and I had found so many noble qualities in him, that I did all I could to avoid the rencontre, but I had to obey the laws of honor, friendship, and the customs of French duelling. Were I to pass the remainder of my life in prison, I would never disclose the name of the person who was the adversary of M. Cournet, now that I know the English law. Honor forbids my mentioning the name of an antagonist, if he will not, or cannot do so. I am a prisoner, but will never quit a prison by a declaration which is repugnant to my character and my habits.

(Signed,)

BARONNET.”

"I adhere to this declaration: it is quite in conformity with my own sentiments.  
(Signed,) ALLAIN."

An English newspaper, in an account of the proceedings of the coroner's inquest on the body of M. Cournet, remarks, that the fact came out in evidence, that one of the pistols which were used in this duel, on being returned to the establishment where they were hired, was loaded; and that, on drawing the charge, a linen rag was found, carefully folded up, in a position which rendered the discharge of the weapon impossible. This, of course, was Barthelmy's pistol, which missed fire twice.

CRANE, ALFRED, and EDWARD TOBEY. In California, in 1853, with navy pistols, at ten paces. Crane, who was the challenged party, was a physician, and formerly of Louisiana; Tobey, clerk of the assistant aldermen of San Francisco. Crane was shot through the body, and died the morning after the duel.

CRAWFORD, Colonel. See *Townshend, George*.

CREAT, —. See *Cearnach, Connal*.

CRITTENDEN, A. P. — See *Gwin, William M.*

CRITTENDEN, JOHN J., Senator in Congress from Kentucky. See *Cilley, Jonathan*.

CRITTENDEN, ROBERT. See *Conway, General*.

CROFIELD, SIR EDWARD, Baronet. See *French, George*.

CROSBY, —. See *Barrington, Sir Jonah*.

CUMMING, Colonel. See *McDuffie, George*.

CUMMINGS, —. See *Bouligny, Henry*.

CURIATII. See *Horatii*.

CURRAN, JOHN PHILPOT. The hero, certainly, of four duels. I am unable to notice them in chronological order. That with St. Ledger, an officer, was in the outset of Curran's professional career. St. Ledger had assaulted a Roman Catholic clergyman, and Curran was employed on the side of the prosecution. He took occasion to speak of St. Ledger in terms of great bitterness. St. Ledger gave him a challenge the next day. They met, and, Curran not returning his fire, the affair was concluded. "It was not necessary," said Curran, "for me to fire at him; he died in three weeks after the duel, of the report of his own pistol."

That with John Fitzgibbon (who was afterwards Lord Clare,

and Lord High Chancellor of Ireland) occurred in 1785. During the distracted condition of the Emerald Isle, Curran often defended persons accused of political offences. Fitzgibbon, then Attorney-General, was, of course, his opponent. In the performance of their professional duty, they came, gradually, to indulge in feelings of personal rancor. At last, in a discussion in Parliament upon "Orde's Propositions," the Attorney-General remarked that "Ireland was a nation easily roused, and easily appeased." Curran replied in a tone of great severity. Fitzgibbon sent him a message. On the ground, the parties were to fire at pleasure. "I never," said Mr. Curran, when relating the circumstances of that meeting, "I never saw any one whose determination seemed more malignant than Fitzgibbon. After I had fired, he took aim at me nearly half a minute; and, on its proving ineffectual, I could not help exclaiming, 'It was not your fault, Mr. Attorney; *you were deliberate enough.*'"

Another combat was with John Egan, an Irish barrister. Egan had the nickname of "Bully." He was of immense size, "as brawny and almost as black as a coal-porter."

"During the temporary separation of Lord Avonmore and Curran, Egan, either wishing to pay his court to the Chief Baron, or really supposing that Curran meant to be offensive, espoused the judge's imaginary quarrel so bitterly, that a duel between the barristers was the consequence."

On the ground, Egan complained that the disparity in their sizes gave his antagonist a manifest advantage. "I might as well fire at a razor's edge as at him," said Egan, "and he may hit me as easily as a turf-stack." "I tell you what, Mr. Egan," replied Curran, his pistol in his hand, and Egan scowling at him under his brows, . . . . "I wish to take no advantage of you, whatever; let my size be *chalked* out upon your side, and I am quite content that every shot which hits outside that mark shall go for nothing." They fired, but without effect. The shots, after such a dialogue, were too aimless to produce injury.

Egan was an unsuccessful candidate for Parliament, for the borough of Tallah; but at the period of the "Union," he became a member.

The fourth encounter of Curran was with Lord Buckinghamshire. Strangely enough, John Egan was his second.

CURRY, SIR PIERS DE, and ANDREW NICOLSON. In Scotland, I suppose in the year 1263. Single combat, in the presence of opposing armies, during the invasion of Haco, King of Norway.

Sir Piers, one of the noblest of the Scottish knights, came upon the field, wearing a helmet inlaid in gold and set with precious stones, and a sword hung in a belt studded with jewels. His antagonist, an officer of rank and valor in the army of the Norsemen, irritated at his insults in riding round and round the circle, brandishing his spear, and trying to provoke an encounter, quitted the troops under his command, and attacked him with fury.

Sir Piers, in passing, aimed his spear at Nicolson, who, parrying it with his sword, struck the knight a blow, which, it is related, severed his thigh from his body, and killed him on the spot.

CUSHING, General THOMAS H., and Mr. LEWIS, a member of Congress from Virginia. Cushing's life was saved, as supposed, by his watch, which was struck by his adversary's ball. It was remarked by one to whom the incident was related, that "it must be a good watch to keep time from eternity."

CUTTING, HON. FRANCIS B., member of Congress from New York, and HON. JOHN C. BRECKINRIDGE, member from Kentucky. Difficulty in debate, March 21st and 23d, 1854. The bill entitled "An Act to organize the Territories of Nebraska and Kansas," coming up in the House in order, Mr. Richardson of Illinois moved its reference to the Committee on Territories; and Mr. Cutting immediately followed with a motion, that it be referred to the Committee of the whole House upon the State of the Union, and upon that motion called the previous question. In the course of the discussion that followed, Messrs. Cutting and Breckinridge indulged in remarks extremely personal, which led to a correspondence, and to some of the usual arrangements for a hostile meeting. The affair, on the part of Mr. Cutting, was committed to Colonel Monroe of New York, and General Shields, a member of the Senate from Illinois; and on the part of Mr. Breckinridge, to Colonel Hawkins of Kentucky, and Hon. William Preston, a member of the House from that State. The latter gentleman rose in his place, on the 31st of March, and said, he was authorized "to state that the matters in dispute had been settled in a manner which is mutually satisfactory, and which is conceived alike honorable to both the gentlemen who were engaged in the debate."

CYRUS, King of Persia. Challenge, about 555 years B. C., to

the King of Assyria, to terminate the quarrel between them by single combat. The defiance was not accepted.

DALLAS, ALEXANDER J. See *Hoole, R. A.*

DALY, RICHARD, an Irish barrister of the last century. Barrington says that, in two years, he fought three duels with sword, and thirteen with pistol, yet received no material harm. Daly, in the course of his life, figured as the patentee of the Theatre Royal, Dublin, and was the first to introduce on the Dublin boards Miss Francis, who subsequently, as Mrs. Jordan, and as the mother of a large family by William IV. of England (while Duke of Clarence) obtained an unenviable fame. See *Barrington, Sir Jonah*.

DAMMARTIN, ANTHONY DE CHABANNES, Count of. Challenge, in the reign of Charles VII. of France, and about the middle of the fifteenth century.

The Dauphin formed a conspiracy to deprive the King of his crown and personal liberty. The Count was his accuser. The Dauphin denied the charge, and gave the Count the lie. To this the Count replied with much dignity: "I know the respect which is due to the son of my master; but the truth of my deposition I am ready to maintain, by arms, against all those of the Dauphin's household who will come forward to contradict it." The challenge was not accepted.

DANIEL, J. M., and E. W. JOHNSON. On the Maryland line, near Washington, in 1852. The parties, editors of newspapers of opposite political sentiments, Richmond, Virginia, met in consequence of the severe articles which had appeared in their journals, respectively.

The account is, that, having exchanged shots, their seconds induced them to become friends. Mr. Daniel, I conclude, had an affair, the year previous, with Mr. Scott, a member of the Virginia Legislature, which terminated without harm to either.

DANIELS, THOMAS. See *Ganah, Charles*.

DANTZLER, O. M., and W. J. KEITH. In North Carolina, in 1852. Both were citizens of South Carolina. Keith was wounded.

DAVID, son of Jesse. See *Goliath of Gath*.

DAVIS, S. G., a member of the Virginia Legislature, and

ROBERT RIDGWAY, editor of a Virginia newspaper. At or near Bladensburg, in 1853; with pistols. Mr. Davis, who was the challenger, fired, and missed. Mr. Ridgway declined to fire, and the two gentlemen became reconciled.

DAVIS, Lieutenant R. See *Wetmore, George Ludlow*.

DAYTON, JONATHAN. Challenge, in 1803, to De Witt Clinton. The gentlemen were Senators in Congress. I find in the "Annals of Congress," that Mr. Dayton said in debate, October 24th: "The custom of the gentleman from New York has been of late to arraign motives instead of meeting arguments," &c., &c.; and that Mr. Clinton immediately rejoined: "The charge of the gentleman from New Jersey is totally unfounded. . . . I am not in the habit of arraigning motives, as this Senate can witness, and the charge is totally untrue." On the same day, I find that Mr. Dayton, at the close of a speech, remarked, that his "high respect for the Senate restrains me from replying in those terms which are due to such rudeness and such indecency of language as that in which the member 'from New York' has indulged himself: there will be a fitter time and a fitter place for taking that notice of which it merits."

A letter written at Washington at the moment contains an account of the result:—

"In my last I mentioned the ruffle between General Dayton and Mr. De Witt Clinton. It seems, that, immediately after the adjournment, General D. sent a *card* to Mr. C. requiring an *explanation*. No answer was given; but in the evening two gentlemen waited on the General with a *project* for accommodation, which the General rejected, still demanding the *explanation*, i. e. *apology*. About eleven o'clock in the evening, General D. sent his *challenge*; and Mr. C. consented to say, in writing, that, in the language he had used, he had not intended the slightest imputation upon the veracity of General Dayton, &c., &c. This *amende honorable* was read in Senate; but the New York Senator had left the city on his way home."

DECATUR, STEPHEN, Post-Captain in the navy of the United States. One of the most chivalrous men of any age or country. He acknowledged the authority of the duello in adjusting private differences, and would have adopted its principles in war,—ship against ship.

His first affair was in 1799, when a young lieutenant; he was attached to the frigate United States. While at Philadelphia, on the recruiting service, a party of seamen enlisted by him de-

ceived him, and entered on board an India ship. He formally demanded the deserters of the first officer of the merchant-man, who, in the course of the interview, insulted him. He stated the case to his father, who considered that a duel was necessary. The officer of the India ship was asked to apologize. He refused, but accepted a challenge. Both, however, pursued their ordinary duties for several days. As soon as circumstances would permit, they met on the banks of the Delaware, at or near New Castle. Decatur disclaimed to his friends an intention to inflict a mortal injury, wounded his antagonist in the hip, as he said he would do, previous to the combat, and escaped himself without harm.

The next difficulty which he proposed to settle by an appeal to arms occurred in 1801, while he served on board the frigate *Essex*, in the Mediterranean. The officers of a Spanish ship of war, under pretence of exercising the police of the port of Barcelona, fired over, and brought to, the boats of the *Essex*, in passing to and from the shore at night. Decatur, on being molested in this way, remonstrated with the proper officer, who treated him uncourteously. Avowing his intention to press the matter on the following day, he returned to his own ship. On repairing to the Spanish ship, as intimated, the aggressor was not to be found. Decatur, leaving a hostile message, went immediately on shore, but was unsuccessful in his search there. The Spanish Captain-General interfering, and requesting the aid of the captain of the *Essex*, a personal conflict was prevented.

The third was also in the Mediterranean, but as the friend of Midshipman Joseph Bainbridge, in the year 1803. (See *Cochran*.)

When Decatur found that his young countryman had become involved with the secretary of Sir Alexander Ball, he proposed, at once, to assume the responsibility of the whole affair. As Bainbridge was the challenged party, the terms of the duel were within his control. Decatur, with the knowledge that his principal was a novice, and that Cochran was a practised duellist, and sure with the pistol at ten paces, determined that the combat should be at four paces. Cochran's friend objected, on the ground that the distance was murderous; thereupon, Decatur chivalrously offered to become principal himself. His overture was declined, and four paces agreed upon. Cochran, as is elsewhere related in this volume, was slain. Decatur's course in the preliminaries, and during the combat, probably saved Bain-

bridge's life. Decatur, demanded by the British authorities, returned to the United States in the Chesapeake, that ship of ill omen to him and to many other gallant men.

We are now to notice, with much brevity, a proposed combat, which was intended to task the skill and prowess of some fifteen hundred men. During the war of 1812, Decatur offered Sir Thomas Hardy, in a written communication, to meet the British frigates *Endymion* and *Statira*, with the *United States*, his own ship, and the *Macedonian*, under the command of Captain Jacob Jones. Sir Thomas declined the challenge, in the form presented ; but expressed his consent to a meeting between the *Statira* and the *Macedonian*. Decatur, anxious for the conflict, renewed the proposition as to the four frigates, and suggested a plan to remove the objections of the British Commodore. But Sir Thomas again refused his assent. As, too, Decatur would not (for reasons quite as imperative on his part) allow Captain Jones to fight the *Statira*, the matter came to an end.

We come to the fatal 22d day of March, 1820, when Decatur was slain at *Bladensburg*, by the hand of James Barron, a Post-Captain in the navy of the United States. They fought with pistols, at eight paces. Captain William Bainbridge was the second of Decatur ; Captain Jesse O. Elliot, the second of Barron. Several other gentlemen of the navy were near, and among them Captains Rodgers and Porter. Before the fire, the parties addressed each other thus : Barron, that " he hoped, on meeting in another world, they would be better friends than in this " : Decatur, in reply, " I have never been your enemy, sir." Nothing more was said.

At the first shot, both fell. " They fired so near together," says Mr. Hambleton, an eyewitness, " that but one report was heard." Decatur was supported a short distance, and sank down near his antagonist, who was severely, and, as was supposed at the moment, mortally wounded.

That a conversation occurred between them, and that they exchanged forgiveness, is certain. It is to be regretted that no account of this solemn interview is preserved by Mackenzie, in his *Life of Decatur*.

Mr. Hambleton went for the carriage in which Decatur was placed, and heard only this, addressed by Barron to Decatur, — " Everything has been conducted in the most honorable manner, and I forgive you from the bottom of my heart."

Mr. Wirt (then Attorney-General of the United States), who



knew in confidence of the difficulty, and who used every effort to prevent the duel, in a letter to Judge Carr, dated eleven days after the fatal combat, states, that "Decatur was apparently shot dead : he revived after a while, and he and Barron had a parley as they lay on the ground." And he continues : —

"Doctor Washington, who got up just then, says that it reminded him of the closing scene of a tragedy, — Hamlet and Laertes. Barron proposed that they should make friends before they met in heaven (for he supposed they would both die immediately). Decatur said he had never been his enemy, that he freely forgave him his death, — though he could not forgive those who had stimulated him to seek his life. One report says that Barron exclaimed, 'Would to God you had said thus much yesterday!' It is certain that the parley was a friendly one, and that they parted in peace. Decatur knew he was to die, and his only sorrow was that he had not died in the service of his country."

The late Hon. Benjamin Hardin of Kentucky, in a speech in the Convention of that State, in 1850, is reported to have spoken thus : —

"Did I not know, while in Washington, Barron and Decatur, two of the first men at that period in America, come up in mortal array within sixteen feet of each other, because one was near-sighted, and the rule was that both should take deliberate sight before the word to fire was given. They both fired and fell, with their heads not ten feet from each other. And before they were taken from the ground, each expected both to die, they spoke to each other, and a reconciliation took place. They blessed each other, and declared that there was nothing between them. All that was required to have prevented the meeting was an explanation between them."

For this duel there was no cause whatever. Decatur, as will be seen in the correspondence, "disclaimed all personal animosity towards" Barron. In his own words, — "Between you and myself there never has been a personal difference ; but I have entertained, and do still entertain, the opinion, that your conduct as an officer, since the affair of the Chesapeake, has been such as ought to for ever bar your readmission into the service." In this view he declares, that he is sustained, he believes, by every officer "of our grade," with a single exception.

True, Barron, in his letter of November 30, 1819, regards Decatur's course to be inconsistent with these declarations, and retorts with much severity. But Decatur constantly maintained them. He told Mr. Wirt, that he did not wish to meet Barron, and that "the duel was forced upon him" ; and it is said that

he assured Commodore Rodgers, on receiving the challenge, that nothing could induce him to take the life of Barron.

On the day of his death, while at breakfast, remarks Mr. Hambleton, "he was quite cheerful, and did not appear to have any desire to take the life of his antagonist; indeed, he declared that he should be very sorry to do so." To this evidence, we may add the reply to Barron, on the ground, once recorded,—"I have never been your enemy, sir."

Strangely enough, Decatur was opposed to duelling. The reader will find his remarks upon the subject, in his letter of October 31, 1819; and may ask why, entertaining the sentiments there expressed, he was so often involved in personal combats. His answer is found in his conversations with Mr. Wirt, and is the same that other distinguished men have made time and again,—*the omnipotence of public sentiment.*

"He passed," wrote Mr. Wirt, "to his own case. Fighting, he said, was his profession, and it would be impossible for him to keep his station and preserve his respectability, without showing himself ready, at all times, to answer the call of any one who bore the name of a gentleman."

We turn to Barron. I believed that he was a culprit, in the affair of the Chesapeake, for a long time; but now, I consider that he was a victim. Conversations with officers of the British navy, and the papers of a distinguished naval character of our own country, in my possession, have led me to conclude that he was deeply wronged. Like his adversary, on the 22d of March, he was averse to the practice of duelling. He held it to be "barbarous," and said that it ought not to be countenanced in "civilized society," even when in correspondence with the brother officer who fell by his hand. Why, then, did he violate his convictions of right? We shall see. I quote from Mackenzie. "*Some individual, ingenious in fomenting quarrels for others, contrived to make the* [opinion of Decatur as to Barron's being re-employed in the service] *the occasion of personal difficulty between Commodore Decatur and Commodore Barron.*" In commenting upon the relations of the parties at a later period, and in January, 1820, the biographer states, that "a letter . . . to Decatur throws much light on a secret agency, which, not unsuspected by himself, had revived and fostered this difficulty until it had reached its present state of irritation." In this letter, Decatur was informed, that ——"is the sole instigator of the renewal of the correspondence, and will prevent any sort of adjustment

*if he can do so.*" Of the persons mentioned in this notice, Mr. Harden is now the sole survivor. But the individual referred to, whose name is suppressed by Mackenzie, is still remembered by many who yet live. That Barron was thus advised and "stimulated," gave Decatur great pain in his last moments.

The entire correspondence follows. It is marked with unbecoming asperity. How much of it was blotted out, while the parties to it lay weltering in their blood, will never be known.

*Commodore Barron to Commodore Decatur.*

*"Hampton, Virginia, June 12th, 1819.*

"SIR,—I have been informed in Norfolk, that you have said that you could insult me with impunity, or words to that effect. If you have said so, you will, no doubt, avow it, and I shall expect to hear from you."

*Commodore Decatur to Commodore Barron.*

*"Washington, June 17th, 1819.*

"SIR,—I have received your communication of the 12th instant. Before you could have been entitled to the information you have asked of me, you should have given up the name of your informer. That frankness which ought to characterize our profession required it. I shall not, however, refuse to answer you on that account, but shall be as candid in my communication to you as your letter or the case will warrant.

"Whatever I may have *thought or said, in the very frequent and free conversations I have had respecting you and your conduct*, I feel a thorough conviction, that I never could have been guilty of so much egotism as to say, that 'I could insult you' (or any other man) 'with impunity.'"

*Commodore Barron to Commodore Decatur.*

*"Hampton, Virginia, June 25th, 1819.*

"SIR,—Your communication of the 17th instant, in answer to mine of the 12th, I have received.

"The circumstances that urged me to call on you for the information requested in my letter would, I presume, have instigated you, or any other person, to the same conduct that I pursued. Several gentlemen in Norfolk, not your enemies, nor actuated by any malicious motive, told me that such a report was in circulation, but could not now be traced to its origin. I therefore concluded to appeal to you, supposing, under such circumstances, that I could not outrage any rule of decorum or candor. This, I trust, will be considered as a just motive for the course I have pursued. Your declaration, if I understand it correctly, relieves my mind from the apprehension, that you had so degraded my character as I had been induced to allege."

*Commodore Decatur to Commodore Barron.*

*"Washington, June 29th, 1819.*

"SIR,—I have received your communication of the 25th, in answer

to mine of the 17th; and as you have expressed yourself doubtfully as to your correct understanding of my letter of the aforesaid date, I have now to state, and I request you to understand distinctly, that I meant no more than to disclaim the *specific* and *particular* expression to which your inquiry was directed, to wit, that I had said that I could insult you with impunity. As to the motives of the 'several gentlemen of Norfolk,' your informants, or the rumors 'which cannot be traced to their origin,' on which their information was founded, or who they are, it is a matter of perfect indifference to me, as are also your motives in making such an inquiry upon such information."

*Commodore Barron to Commodore Decatur.*

*"Hampton, October 23d, 1819.*

"SIR, — I had supposed that the measure of your ambition was nearly completed, and that your good fortune had rendered your reputation for acts of magnanimity too dear to be risked wantonly on occasions that never can redound to the honor of him that would be great. I had also concluded that your rancor towards me was fully satisfied, by the cruel and unmerited sentence passed upon me by the court of which you were a member; and, after an exile from my country, family, and friends, of nearly seven years, I had concluded that I should now be allowed, at least, to enjoy that solace with this society, that lacerated feelings like mine required, and that you would have suffered me to remain in quiet possession of those enjoyments. But scarcely had I set my foot on my native soil, ere I learned that the same malignant spirit which had before influenced you to endeavor to ruin my reputation was still at work, and that you were ungenerously traducing my character whenever an occasion occurred which suited your views, and, in many instances, not much to your credit as an officer, through the medium of our juniors. Such conduct cannot fail to produce an injurious effect on the discipline and subordination of the navy. A report of this sort, sir, coming from the respectable and creditable sources it did, could not fail to arrest my attention, and to excite those feelings which might naturally be expected to arise in the heart of every man, who professes to entertain principles of honor, and intends to act in conformity with them.

"With such feelings, I addressed a letter to you, under date of the 12th of June last, which produced a correspondence between us, which, I have since been informed, you have endeavored to use to my further injury, by sending it to Norfolk, by a respectable officer of the navy, to be shown to some of my particular friends, with a view of alienating from me their attachment. I am also informed, that you have tauntingly and boastingly observed, that you would cheerfully meet me in the field, and hoped I would yet act like a man, or that you had used words to that effect.

"Such conduct, sir, on the part of any one, but especially one occupying the influential station under the government which you hold, towards an individual situated as I am, and oppressed as I have been, and that chiefly by your means, is unbecoming you as an officer and

a gentleman, and shows a want of magnanimity, which, hostile as I have found you to be towards me, I had hoped, for your own reputation, you possessed. It calls loudly for redress at your hands. I consider you as having given the invitation, which I accept, and will prepare to meet you at such time and place as our respective friends, hereafter to be named, shall designate. I also, under all the circumstances of the case, consider myself entitled to the choice of weapons, place, and distance; but should a difference of opinion be entertained by our friends, I flatter myself, from your known personal courage, that you would disdain any unfair advantage, which your superiority in the use of the pistol, and the natural defect in my vision, increased by age, would give you. I will thank you not to put your name on the cover of your answer, as I presume you can have no disposition to give unnecessary pain to the females of my family."

*Commodore Decatur to Commodore Barron.*

*"Washington, October 31st, 1819.*

"SIR,—Your letter of the 23d instant has been duly received. Prior to giving it that reply which I intend, its contents suggest the necessity of referring to our June correspondence.

"On the 12th of June last, you addressed to me a note, inquiring whether I had said, that 'I could insult you with impunity.' On the 17th of June, I wrote to you, in reply, as follows: 'Whatever I may have thought or said in the very frequent and free conversations I have had respecting you and your conduct, I feel a thorough conviction, that I never could have been guilty of so much egotism, as to say that I could insult you (or any other man) with impunity.'

"On the 25th of June you again wrote to me, and stated that the report on which you had grounded your query of the 12th of June 'could not now be traced to its origin,' and your letter is concluded by the following words: 'Your declaration, if I understand it correctly, relieves my mind from the apprehension, that you had so degraded my character as I had been induced to allege.' Immediately on receiving your letter of the 25th of June, I wrote to you on the 29th of June, as follows: 'As you have expressed yourself doubtfully as to your correct understanding of my letter of the 17th of June, I have now to state, and I request you to understand distinctly, that I meant no more than to disclaim the *specific* and *particular* expression to which your inquiry was directed, to wit, that I had said, "I could insult you with impunity."' Here ended our June correspondence, and with it all kind of communication, till the date of your letter of the 23d instant, which I shall now proceed to notice.

"Nearly four months having elapsed since the date of our last correspondence, your letter was unexpected to me, particularly as the terms used by you in the conclusion of your letter to me of the 25th of June, and your silence since receiving my letter of the 29th of June, indicated, as I thought, satisfaction on your part. But it seems that you consider yourself aggrieved by my sending our June correspondence to Norfolk. I did not send the June correspondence to Norfolk,

until three months had expired after your last communication, and not then until I had been informed, by a captain of the navy, that a female of your acquaintance had stated that such a correspondence had taken place. If that correspondence has, in any degree, 'alienated your friends from you,' such effect is to be attributed to the correspondence itself. I thought the papers would speak for themselves, and sent them without written comment.

"With respect to the court-martial upon you, for the affair of the Chesapeake, to which you have been pleased to refer, I shall not treat the officers who composed that court with so much disrespect, as to attempt a vindication of their proceedings. The chief magistrate of the country approved them; and the nation approved them; and the sentence has been carried into effect. But, sir, there is a part of my conduct on that occasion, which it does not appear irrelevant to revive in your recollection. It is this. I was present at the court of inquiry upon you, and heard the evidence then adduced for and against you; thence I drew an opinion altogether unfavorable to you; and when I was called upon, by the Secretary of the Navy, to act as a member of the court-martial ordered for your trial, I begged to be excused the duty, on the ground of my having formed such an opinion. The honorable Secretary was pleased to insist on my serving. Still anxious to be relieved from this service, I did, prior to taking my seat as a member of the court, communicate to your able advocate, General Taylor, the opinion I had formed and my correspondence with the Navy Department upon the subject, in order to afford you an opportunity, should you deem it expedient, to protest against my being a member, on the ground of my not only having formed, but expressed, an opinion unfavorable to you. You did not protest against my being a member. Duty constrained me, however unpleasant it was, to take my seat as a member. I did so, and discharged the duty imposed on me. You, I find, are incapable of estimating the motives which guided my conduct in this transaction.

"For my conduct, as a member of that court-martial, I do not consider myself as in any way accountable to you. But, sir, you have thought fit to deduce, from your impressions of my conduct as a member of that court-martial, inferences of personal hostility towards you. Influenced by feelings thence arising, you commenced the June correspondence, a correspondence which I had hoped would have terminated our communications.

"Between you and myself there never has been a personal difference; but I have entertained, and do still entertain, the opinion, that your conduct as an officer, since the affair of the Chesapeake, has been such as ought to for ever bar your readmission into the service.

"In my letter to you of the 17th of June, although I disavowed the particular expressions to which you invited my attention, candor required that I should apprise you, that I had not been silent respecting you. I informed you that I had had *very frequent and free conversations respecting you and your conduct*; and the words were underscored, that they might not fail to attract your particular attention. Had you asked

what those frequent and free conversations were, I should, with the same frankness, have told you; but, instead of making a demand of this kind, you reply to my letter of the 17th of June, 'that my declaration, if correctly understood by you, relieved your mind,' &c. That you might correctly understand what I did mean, I addressed you, as before observed, on the 29th of June, and endeavored, by underscoring certain precise terms, to convey to you my precise meaning. To this last letter I never received any reply.

"Under these circumstances, I have judged it expedient, at this time, to state, as distinctly as may be in my power, the facts upon which I ground the unfavorable opinion which I entertain, and have expressed, of your conduct as an officer, since the court-martial upon you, while I disclaim all personal enmity towards you.

"Some time after you had been suspended from the service, for your conduct in the affair of the Chesapeake, you proceeded, in a merchant brig, to Pernambuco; and by a communication from the late Captain Lewis, whose honor and veracity were never yet questioned, it appears that you stated to Mr. Lyon, the *British Consul* at Pernambuco, with whom you lived, 'that, if the Chesapeake had been prepared for action, you would not have resisted the attack of the Leopard; assigning as a reason, that you knew (as did also our government) there were deserters on board your ship; that the President of the United States knew there were deserters on board, and of the intention of the British to take them; and that the President caused you to go out in a defenceless state, for the express purpose of having your ship attacked and disgraced, and thus attain his favorite object of involving the United States in a war with Great Britain.' For confirmation of this information, Captain Lewis refers to Mr. Thomas Goodwin, of Baltimore, the brother of Captain Ridgely, of the navy, who received it from Mr. Lyon himself. Reference was made to Mr. Goodwin, who, in an official communication, confirmed all that Captain Lewis had said. The veracity and respectability of Mr. Goodwin are also beyond question. You will be enabled to judge of the impression made upon Captain Lewis's mind by the following strong remarks he made on the subject.

"I am now convinced that Barron is a traitor; for I can call by no other name a man who would talk in this way to an Englishman, and an Englishman in office."

"These communications are now in the archives of the Navy Department.

"If, sir, the affair of the Chesapeake excited the indignant feelings of the nation towards Great Britain, and was, as every one admits, one of the principal causes which produced the late war, did it not behoove you to take an active part in the war, for your own sake, patriotism out of the question?"

"But, sir, instead of finding you in the foremost ranks, on an occasion which so emphatically demanded your best exertions, it is said, and is credited, that you were, after the commencement of the war, to be found in command of a vessel sailing under *British license*! Though

urged by your *friends* to avail yourself of some one of the opportunities which were every day occurring, in privateers, or other fast-sailing merchant-vessels, sailing from France and other places, to return to your country during the war, it is not known that you manifested a disposition to do so, excepting in the single instance by the *cartel* John Adams, in which vessel you must have known you could not be permitted to return, without violating her character as a cartel.

"You say you have been oppressed. You know, sir, that by absenting yourself, as you did for years, from the country, without leave from the government, you subjected yourself to be stricken from the rolls. You know, also, that, by the tenth article of the act for the better government of the navy, all persons in the navy holding intercourse with an enemy become subject to the severest punishment known to our laws. You have not for the offence before stated, to my knowledge, received even a reprimand: and I do know, that your pay, even during your absence, has been continued to you.

"As to my having spoken of you injuriously to 'junior officers,' I have to remark, that such is the state of our service, that we have but few seniors. If I speak with officers at all, the probability is it will be with a junior.

"On your return to this country, your efforts to re-establish yourself in the service were known, and became a subject of conversation with officers, as well as others. In the many and *free* conversations I have had respecting you and your conduct, I have said, for the causes above enumerated, that, in my opinion, you ought not to be received again into the naval service; that there was not employment for all the officers who had faithfully discharged their duty to their country in the hour of trial; and that it would be doing an act of injustice to employ you, to the exclusion of any one of them. In speaking thus, and in endeavoring to prevent your readmission, I conceive I was performing a duty I owe to the service; that I was contributing to the preservation of its respectability. Had you made no effort to be re-employed, after the war, it is more than probable I might not have spoken of you. If you continue your efforts, I shall certainly, from the same feelings of public duty by which I have hitherto been actuated, be constrained to continue the expression of my opinions; and I can assure you, that, in the interchange of opinions with other officers respecting you, I have never met with more than one who did not entirely concur with me.

"The objects of your communication of the 23d, as expressed by you, now claim my notice. You profess to consider me as having given you 'an invitation.' You say that you have been told, that I have 'tauntingly and boastingly observed, that I would cheerfully meet you in the field, and hoped you would yet act like a man.'

"One would naturally have supposed, that, after having so recently been led into error by 'rumors,' which could not be traced, you would have received with some caution subsequent rumors; at all events, that you would have endeavored to trace them, before again venturing to act upon them as if they were true. Had you pursued this course, you



would have discovered that the latter rumors were equally unfounded as the former.

"I never invited you to the field; nor have I expressed a hope that you would call me out. I was informed by a gentleman with whom you had conferred upon the subject, that you left Norfolk for this place, some time before our June correspondence, with the intention of calling me out. I then stated to that gentleman, as I have to all others with whom I have conversed upon the subject, that, if you made the call, I would meet you; but that, on all scores, I should be much better pleased to have nothing to do with you. I do not think that fighting duels, under any circumstances, can raise the reputation of any man, and have long since discovered, that it is not even an unerring criterion of personal courage. I should regret the necessity of fighting with any man; but, in my opinion, the man who makes *arms his profession* is not at liberty to decline an invitation from any person, who is not so far degraded as to be beneath his notice. Having incautiously said I would meet you, I will not consider this to be your case, although many think so; and if I had not pledged myself, I might reconsider the case.

"As to 'weapons, place, and distance,' if we are to meet, those points will, as is usual, be committed to the friend I may select on the occasion. As far, however, as it may be left to me, not having any particular prejudice in favor of any particular arm, distance, or mode (but on the contrary disliking them all), I should not be found fastidious on those points, but should be rather disposed to yield you any little advantage of this kind. As to my skill in the use of the pistol, it exists more in your imagination than in reality. For the last twenty years I have had but little practice, and the disparity in our ages, to which you have been pleased to refer, is, I believe, not more than five or six years. It would have been out of the common course of nature, if the vision of either of us had been improved by years.

"From your manner of proceeding, it appears to me, that you have come to the determination to fight some one, and that you have selected me for that purpose; and I must take leave to observe, that your object would have been better attained, had you made this decision during our late war, when your fighting might have benefited your country, as well as yourself. The style of your communication, and the matter, did not deserve so dispassionate and historical a notice as I have given it; and had I believed it would receive no other inspection than yours, I should have spared myself the trouble. The course I adopted with our former correspondence, I shall pursue with this, if I shall deem it expedient."

*Commodore Decatur to Commodore Barron.*

*"Washington, November 5th, 1819.*

"SIR,— Since my communication to you of the 31st ultimo, I have been informed by a gentleman entitled to the fullest credit, that you were not afloat till after the peace; consequently, the report which I noticed of your having sailed under British license must be unfounded."

*Commodore Barron to Commodore Decatur.*

*"Hampton, November 20th, 1819.*

"SIR,— Unavoidable interruption has prevented my answering your two last communications as early as it was my wish to have done; but in a few days you shall have my reply."

*Commodore Barron to Commodore Decatur.*

*"Hampton, November 30th, 1819.*

"SIR,— I did not receive until Tuesday, the 9th instant, your very lengthy, elaborate, and historical reply, without date, to my letter to you of the 23d ultimo; which, from its nature and *object*, did not, I conceive, require that you should have entered so much into detail, in defence of the hostile and unmanly course you have pursued towards me, since the 'affair of the Chesapeake,' as you term it. A much more laconic answer would have served my purpose, which, for the present, is nothing more than to obtain at your hands honorable redress for the accumulated insults which you, sir, in particular, above all my enemies, have attempted to heap upon me, in every shape in which they could be offered. Your last voluminous letter is *alone* sufficient proof, if none other existed, of the rancorous disposition you entertain towards me, and the extent to which you have carried it. That letter I should no otherwise notice, than merely to inform you it had reached me, and that I am prepared to meet you in the field, upon *anything* like fair and equal grounds; but inasmuch as you have intimated that our correspondence is to go before the public, I feel it a duty I owe to myself, and to the world, to reply particularly to the many calumnious charges and aspersions, with which your '*dispassionate* and historical notice' of my communication so abundantly teems; wishing you, sir, at the same time, 'distinctly to understand,' that it is not for you alone, or to justify myself in your estimation, that I take this course.

"You have dwelt much upon our 'June correspondence,' as you style it, and have made many quotations from it. I deem it unnecessary, however, to advert to it, further than to remark, that, although 'nearly four months' did intervene between that correspondence and my letter of the 23d ultimo, my silence arose not from any misapprehension of the purport of your contumacious '*underscored*' remarks, nor from the malicious designs they indicated, nor from a tame disposition to yield quietly to the operation which either might have against me; but from a tedious and painful indisposition, which confined me to my bed the chief part of that period, as is well known to almost every person here. I anticipated, however, from what I had found you capable of doing to my injury, the use to which you would endeavor to pervert that correspondence, and have not at all been disappointed. So soon as I was well enough, and heard of your machinations against me, I lost no time in addressing to you my letter of the 23d ultimo; your reply to which I have now more particularly to notice. I have not said, nor did I mean to convey such an idea, nor will my letter bear the interpretation, that your forwarding to Norfolk our 'June correspondence' had, in any

degree, 'alienated my friends from me,' but that it was sent down there with *that view*.

"It is a source of great consolation to me, sir, to know that I have more friends, both in and out of the navy, than you are aware of; and that it is not in your power, great as you may imagine your official influence to be, to deprive me of their good opinion and affection. As to the reason which seems to have prompted you to send that correspondence to Norfolk, 'that a female of my acquaintance had stated, that such a one had taken place,' I will only remark, that she did not derive her information from me; that it has always been, and ever will be, with me, a principle, to touch as delicately as possible upon reports said to come from *females*, intended to affect injuriously the character of any one; and that, in a correspondence like the *present*, highly as I estimate the sex, I should never think of introducing *them* as authority. Females, sir, have nothing, or ought to have nothing, to do in controversies of this kind. In speaking of the court-martial which sat upon my trial, I have cast no imputation or reflection upon the members, individually, who composed it, (saving yourself,) which required that you should attempt a vindication of their proceedings, champion as you are, and hostile as some of them may have been to me; nor does the language of my letter warrant any such inference.

"I merely meant to point out to you, sir, what you appear to have been incapable of perceiving, the indelicacy of your conduct, (to say the least of it,) in hunting me out as an object for malignant persecution, after having acted as one of my judges, and giving your voice in favor of a sentence against me, which, I cannot avoid repeating, was 'cruel and unmerited.' It is the privilege, sir, of a man deeply injured as I have been by that decision, and conscious of his not deserving it, as I feel myself, to remonstrate against it; and I have taken the liberty to exercise that privilege.

"You say that 'the proceedings of the court have been approved by the chief magistrate of our country, that the nation approved of them, and that the sentence has been carried into effect.' It is true, the President of the United States *did* approve of that sentence, and that it was carried into effect; full and complete effect, which I should have supposed ought to have glutted the envious and vengeful disposition of your heart; but I deny that the nation has approved of that sentence, and, as an appeal appears likely to be made to *them*, I am willing to submit the question. The part you took on that occasion, it was totally unnecessary, I assure you, 'to revive in my recollection'; it is indelibly imprinted on my mind, and can never, while I have life, be erased. You acknowledge you were present at the court of inquiry in my case, 'heard the evidence for and against me, and had, therefore, formed and expressed an opinion unfavorable to me'; and yet your conscience was made of such pliable materials, that *because* the then 'honorable Secretary was pleased to insist on your serving as a member of the court-martial, and because I did not protest against it,' you conceive that '*duty constrained* you, however unpleasant, to take your seat as a mem-

ber,' although you were to act under the solemn sanction of an oath, to render me impartial justice, upon the very testimony which had been delivered in your hearing, before the court of inquiry, and from which you 'drew an opinion altogether unfavorable to me.'

"How such conduct can be reconciled with the principles of common honor and justice, is to me inexplicable. Under such circumstances, no consideration, no power or authority on earth, could or ought to have forced any liberal, high-minded man to sit in a case, which he had pre-judged; and, to retort upon you your own expressions, you must have been 'incapable of seeing the glaring impropriety of your conduct, for which, although you do not conceive yourself in any way accountable to me,' I hope you will be able to account for it with your God and your conscience.

"You say, between you and myself there never has been a personal difference, 'and you disclaim all personal enmity towards me.' If every step you have taken, every word you have uttered, and every line you have written in relation to me; if your own admission of the very frequent and free conversations you have had respecting me and my conduct, 'since the affair of the Chesapeake,' bear not the plainest stamp of personal *hostility*, I know not the meaning of such terms. Were you not under the influence of feelings of this sort, why not, in your official capacity, call me, or have me brought before a proper tribunal, to answer the charges you have preferred against me, and thereby give me a chance of defending myself? Why speak injuriously of me to *junior officers*, 'which you do not deny'? Why the 'many frequent and free conversations respecting me and my conduct,' which you have taken so much pains to underscore? Why use the insulting expression, that you 'entertained, and still do entertain, the opinion that my conduct, as an officer, since that affair, has been such as ought for ever to bar my re-admission into the service'? and that, in endeavoring to prevent it, 'you conceive you were performing a duty you owe to the service, and were contributing to its respectability'? Why the *threat* that, if I continued the efforts you say I have been making to be 're-employed,' you 'certainly should be constrained to continue the expressions of those opinions'?

"Does not all this, together with the whole tenor and tendency of your letter, manifest the most marked *personal* animosity against me, which an honorable man, acting under a sense of public duty, by which you profess to 'have been hitherto actuated,' would disdain even to show, much more to feel?

"I shall now, sir, take up the specific charges you have alleged against me, and shall notice them in the order in which they stand. The first is one of a very *heinous* character. It is that 'I proceeded in a merchant brig to Pernambuco.' Could I, Sir, during the period of my suspension, have gone anywhere in a national vessel? Could I, with what was due to my family, have remained idle? The sentence of the court deprived them of the principal means of subsistence. I was therefore compelled to resort to that description of employment

with which I was best acquainted; and on this subject *you* should have been silent. But you add, that the late Captain Lewis of the navy, *who had* it from Mr. Goodwin, who heard it from Mr. Lyon, the British Consul at Pernambuco, with whom you undertake to say I lived, represented me as stating, 'that, if the Chesapeake had been prepared for action, I would not have resisted the attack of the Leopard; assigning as a reason, that I knew, as also did our government, that there were deserters on board, and of the intention of the British ship to take them, and that the ship was ordered out, under these circumstances, with a view to bring about a contest, which might embroil the two nations in a war.'

"The whole of this, Sir, I pronounce to be a falsehood, a ridiculous, malicious, absurd, improbable falsehood, which can never be credited by any man that does not feel a disposition to impress on the opinion of the public that I am an idiot. That I should, two years after the affair of the Chesapeake, make such a declaration, when every proof that could be required of a contrary disposition on the part of the chief magistrate had been given, cannot receive credit from any one but those that are disposed to consider me such a character as you would represent me to be. I did not live with Mr. Lyon, nor did I ever hold a conversation with him so indelicate as the one stated in Captain Lewis's letter would have been. And with what object could I have made such a communication? Mr. Lyon would naturally have felt contempt for a man that would have suffered himself to have been made a tool of in so disgraceful an affair. I found Mr. Lyon transacting business in Pernambuco. He produced to me a letter from Mr. Hill, the American Consul in that country, recommending him as entitled to the confidence of his countrymen, every one of whom, in that port, put their business into his hands. I did the same, and thus commenced our acquaintance. He was kind and friendly to me, but never, in any respect, indelicate, as would have been, in a high degree, such conversation between us.

"Of Mr. Goodwin I know nothing. I have never seen him in all my life; nor do I conceive that his hearsay evidence can be of any kind of consequence against me. I was the first that informed the President and the Secretary of the Navy, that such a letter was in the department, even before I had seen it. And again, if the mere oral testimony of a British agent was to be considered as evidence sufficient to arraign an American officer, I think the navy would be quickly in such a state as it might be desirable for their nation to place it in. As to the *impressions* made upon the mind of Captain Lewis, from this *information*, and the '*strong remarks*' he made upon the subject, which you have thought proper to quote, they by no means establish the *correctness* of that information, but only go to show the effect it produced upon the mind of an individual, who seems to have imbibed a prejudice against me, not otherwise to be accounted for, except your acquaintance with him. He is now in his grave, and I am perfectly disposed *there* to let him rest. You must, however, have been hard pressed indeed, to be compelled to resort to such flimsy grounds as those, a degree weaker than even second-handed testimony, to support your charges against me.

"These communications, you observe, are now in the archives of the Navy Department. Of this fact, Sir, I had been long apprised; and had you, when searching the records of that department for documents to injure my character, looked a little further back, you would perhaps have found others calculated to produce a very different effect. Of my desire to return to the United States, during the late war, there are certificates in the Navy Department of the first respectability, which, if you had been disposed to find and quote, are perhaps lying on the same shelf from whence you took those that you appear so anxious to bring to public view; I mean my letter applying for service, as soon as an opportunity offered, after the term of my suspension expired; and one letter, above all, *you* should not have passed over unnoticed, that which you received from my hand, of May, 1803, addressed to the Secretary of the Navy, which was one of the principal causes of your obtaining the first command that you were ever honored with; and as you may have forgotten it, I will remind you, on this occasion, that, but little more than one month previous to the date of that letter, I, by my advice and arguments, saved you from resigning the service of your country in a pet, because you were removed from the first lieutenantancy of the New York to that of second of the Chesapeake. But all this, and much more, is now forgotten by you; yet there are others that recollect those circumstances, and the history of your conduct to me will outlive you, let my fate be what it may.

"The affair of the Chesapeake did certainly 'excite,' and ought to have excited, the indignant feelings of the nation towards Great Britain; but however it may have justified a declaration of war against that power, it was not, as you assert 'every one admits,' one of the principal causes of the late war. That did not take place, Sir, until *five years* after, when that affair had been amicably, and of course honorably, adjusted between the two nations. I mention this fact, not on account of its importance, but because you laid so much stress upon that 'affair,' as a reason why I ought to have returned home during the late war, and to show, that, although it *did* happen to be your fortunate lot to have an opportunity of being in the foremost rank on that occasion, of which you seem inclined to vaunt, you are ignorant even of the causes which led to it.

"Having, in your letter of the 5th instant, abandoned the charge of my having sailed under 'British license,' after the commencement of the late war, in consequence of information received by you, from a gentleman entitled to the fullest credit, that I was not afloat until after the peace, consequently the report which you noticed of my having sailed under British license, must be unfounded; I have only to remark, on this head, that, in advancing a charge against me of so serious a nature, and designed and so well calculated as it was to affect materially my reputation, not only as an officer of the navy, but as a citizen of the United States, you should first have ascertained that it was founded on *fact*, and not on rumor, which you so much *harp* upon; and that, upon a proper investigation, you would have discovered your other accusations to be equally groundless.

"For my not returning home during the late war, I do not hold myself, to use your own expressions, 'in any way accountable to you,' sir. It would be for the government, I should suppose, to take notice of my absence, if they deemed it reprehensible; and they no doubt would have done so, had not the circumstances of the case in their estimation justified it. That they are perfectly satisfied upon this point, I have good reason to believe, and trust I shall be able to satisfy my country also. The President's personal conduct to me, and the memorial of the Virginia delegation in Congress to him, prove how I stand with those high characters, your opinion notwithstanding to the contrary. I deny, sir, that I ever was 'urged' by my friends, as you in mockery term them, to return home, during the late war; nor could it have been requisite for me to have been 'urged' to do so by any one. Laying patriotism out of the question, as you observe, as well as the reasons why you think 'it behooves me' to adopt that course, there were other incentives strong enough, God knows, to excite a desire on my part to return; and I should have returned, sir, but for circumstances beyond my control, which it is not incumbent on me to explain to you.

"Had the many opportunities really presented themselves, which you allege were 'every day occurring,' of which I might have availed myself to return to my country, in privateers or other fast-sailing merchant-vessels, from France and other places, but of which you produce no other proof than random assertion, on which most of your other charges rest? There were no such opportunities as you say were 'every day occurring'; no, not one within my reach; and some considerable time after the news of the war arrived in Denmark, it was not believed that it would continue six months; but if I had received the slightest intimation from the department, that I should have been employed on my return, I should have considered no sacrifice too great, no exertion within my power should have been omitted, to obtain so desirable an object as any mark of my country's confidence would have been to me in such a moment. A gunboat, under my own orders, would not have been refused. But what hope had I, when my letter of application for service was not even honored by an answer? In regard to the John Adams, I do not deem it proper, on this occasion, to explain my reasons for making the attempt to return in that ship; but whenever I am called on by any person properly authorized to make the inquiry, I am confident that I shall convince him, that I had good reason to believe that I should obtain a passage in her, notwithstanding your great knowledge on the occasion.

"You say, by absenting myself, *for years*, from the country, without leave from the government, I 'subjected myself to be stricken from the rolls.' I knew also, by the tenth article of the act for the better government of the navy, that all persons in the navy, holding intercourse with an enemy, became subject to the severest punishment known to the law; and that for these offences, as you are pleased to term them, 'I have not received, to your knowledge, even a reprimand'; but I presume, if I have not, it is not your fault. What kind and humane for-

bearance is this, after what I have already endured ! But, sir, as you seem to be so very intelligent upon other points, pray tell me, where was the necessity of my asking for a furlough until the period of my suspension expired, or even after having reported myself for duty, without being noticed ? As to the charge of my holding intercourse with the enemy, I am at a loss to conceive to what you allude, and should degrade myself by giving it any other reply, than to pronounce it, if you mean to insinuate there was any unlawful or improper communication on my part with the government or any individual of Great Britain, as a *false and foul* aspersion on my character, which no conduct or circumstance of my life, however it might be tortured by your malice or ingenuity, can, in any manner, justify or support.

"You say, also, that you *do know* 'that my pay, even during my absence, was continued to me.' It is not the fact, sir. I never, and until very recently since my return, received but half-pay. This part of your letter I should not have regarded, were it not to show with what boldness, facility, and *sang-froid*, you can make assertions unsustained by the shadow of truth ; but if you had made yourself acquainted with the circumstances relative to my *half-pay*, you would have found that not one cent of it was received by me. The government was so good as to pay the amount to my unfortunate female family, whose kindest entertainment you have frequently enjoyed.

"Poor, unfortunate children ! whose ancestors, every man of them, did contribute every disposable shilling of their property, many of them their lives, and all of them their best exertions to establish the independence of their country, should now be told that the small amount of my half-pay was considered, by an officer of high rank, too much for them ! You have been good enough to inform me, that, on my return to this country, my '*efforts*,' as you have been pleased to call them, 'to reinstate myself in the service, were known, and became a subject of conversation with officers, as well as others,' and but for those '*efforts*,' it is *more than probable* you would not have *spoken of me*.

"This would, indeed, have displayed a wonderful degree of lenity and courtesy on your part, of which I could not have failed to be duly sensible. But, sir, I beg leave to ask how and where did you get your information, that such '*efforts*' were made by me ; and even admit they were, why should you *alone*, disclaiming, as you pretend to do, all '*personal enmity*' against me, have made yourself so *particularly busy* on the occasion ? Was it because your inflated pride led you to believe, that the weight of your influence was greater than that of any other officer of the navy, or that you were more tenacious of its honor and '*respectability*' than the rest of the officers were ? You assure me, however, 'that, in the interchange of opinion with other officers respecting me, you have never met with more than one who did not entirely concur with you in the opinion you have expressed of me.' Indeed ! and what is the reason ? It is because, I suppose, you are most commonly attended by a train of dependants, who, to enjoy the sunshine of your favor, act as *caterers* for your vanity, and, revolving round you like



*satellites*, borrow their chief consequence from the countenance you may condescend to bestow upon them.

"You at length arrive at the main point; the object of my letter of the 23d ultimo, which you might have reached by a much *shorter route*, and have saved me the fatigue of being compelled, in self-defence, to travel with you so far as you have gone. The language of defiance, represented to have been used by you, 'that you would cheerfully meet me in the field, and hoped I would yet act like a man,' is disavowed by you. And you further deny having ever invited me to the field, or expressed a hope I would call you out; but you observe, that, 'being informed by a gentleman with whom I had *conferred* upon the subject, that I left Norfolk, for the seat of government, some time before our June correspondence, with the intention of calling you out, you stated to that gentleman, as you have to *all others* with whom you have conversed upon the subject, that, if I made the call, you would meet me; but that, upon all scores, you would be much better pleased to have nothing to do with me.'

"I certainly do not exactly know who that intermeddling gentleman was, with whom you say I 'conferred'; but if I may be allowed a conjecture, I think I can recognize in him the selfsame officious *gentleman*, who, I am creditably informed, originated the report of your having made use of the gasconading expressions you have disowned. In this respect I may be mistaken. Be this, however, as it may, I never gave him, or any other person, to understand that my visit to Washington, last spring, was for the purpose of 'calling you out'; nor *did* I go there with *any such view*.

"How you can reconcile your affected indifference towards me, in the remark, 'that on all scores you would be much better pleased to have nothing to do with me,' with the very active part, it is generally known, and which your own letter clearly evinces, you have taken against me, I am at a loss to conceive. No, sir; you feel not so much unconcern as you pretend and wish it to be believed you do, in regard to the course of conduct my honor and my injuries may, in my judgment, require me to pursue. You have a *motive*, not to be concealed from the world, for all you have done or said, or for any future endeavors you may make, to bar my 'readmission' into the service. It is true that you have never given me a direct, formal, and written invitation to meet you in the field, such as one gentleman of honor *ought* to send to another. But if your own admissions, that you had 'incautiously said you would meet me if I wished it,' and 'that, if you had not *pledged yourself*, you might reconsider the subject,' and all this, too, without any provocation on my part, or the most distant intimation from me that I had a desire to meet you, do not amount to a challenge, I cannot comprehend the object or import of such declarations, made, as they were, in the face of the world, and to those, in particular, who you knew would not only communicate them to me, but give them circulation. Under all the circumstances of the case, I consider you as having thrown down the gauntlet, and I have no hesitation in accepting

it. This is, however, a point which it will not be for me or you to decide; nor do I view it as of any other importance than as respects the privilege allowed to the challenged party in relation to the choice of weapons, distance, &c., about which I feel not more 'fastidious,' I assure you, sir, than you do; nor do I claim any advantage whatever, which I have no right to insist upon. Could I stoop so low as to solicit any, I know you too well to believe you would have any inclination to concede them. All I demand is to be placed upon equal grounds with you; such as two honorable men may decide upon as *just and proper*.

"Upon the subject of duelling I perfectly coincide with the opinions you have expressed. I consider it as a barbarous practice, which ought to be exploded from civilized society. But, sir, there may be cases of such extraordinary and aggravated insult and injury, received by an individual, as to render an appeal to arms on his part absolutely necessary. Mine I conceive to be a case of that description; and I feel myself constrained, by every tie that binds me to society, by all that can make life desirable to me, to resort to this mode of obtaining that redress due to me at your hands, as the only alternative which now seems to present itself for the preservation of my honor.

"To conclude. You say, 'From my manner of proceeding, it appears to you that I have come to the determination to fight some one, and that I have selected you for that purpose.' To say nothing of the vanity you display, and the importance you seem to attach to yourself, in thus intimating, that, being resolved to *fight myself* into favor, I could no otherwise do so than by fixing upon you, the very reverse of which you infer is the fact, I never wished to fight in this way; and had you permitted me to remain at rest, I should not have disturbed you; I should have pursued the 'even tenor of my way,' without regarding you at all. But this would not have suited your ambitious views. You have *hunted* me out; have persecuted me with all the power and influence of your office, and have declared your determination to drive me from the navy, if I should make any 'efforts' to be employed; and for what purpose, or from what other motive than to obtain my rank, I know not. If my life will give it you, you shall have an opportunity of obtaining it. And now, sir, I have only to add, that if you will make known your determination, and the name of your friend, I will give that of mine, in order to complete the necessary arrangements to a final close of this affair.

"I can make no other apology for the apparent tardiness of this communication, than merely to state, that, being on very familiar terms with my family, out of tenderness to their feelings I have written under great restraint."

*Commodore Decatur to Commodore Barron.*

*"Washington, December 29th, 1819.*

"SIR,—Your communication of the 30th ultimo reached me as I was on the eve of my departure for the North, whence I did not return

until the 22d instant. It was my determination, on the receipt of your letter, not to notice it; but upon more mature reflection, I conceive that, as I have suffered myself to be drawn into this unprofitable discussion, I ought not to leave the false coloring and calumnies, which you have introduced into your letter, unanswered. You state that a much more laconic reply to your letter of the 23d of October would have served your purpose. Of this I have no doubt; and to have insured such an answer, you had only to make a laconic call. I had already informed you of the course I had felt myself bound to pursue respecting you, and of the reasons which induced my conduct, and that, if you require it, I would overcome my own disinclination, and fight you. Instead of calling me out for injuries, which you chose to insist that I have heaped upon you, *you* have thought fit to enter upon this war of words.

"I reiterated to you, that I have not challenged, nor do I intend to challenge you. I do not consider it essential to my reputation that I should notice anything which may come from you, the more particularly, when you declare your sole object, in wishing to draw the challenge from me, is that you may avail yourself of the advantages which rest with the challenged. It is evident that you think, or your friends for you, that a fight will help you; but, in fighting, you wish to incur the least possible risk. Now, sir, not believing that a fight of this nature will raise me at all in public estimation, but may even have a contrary effect, I do not feel at all disposed to remove the difficulties that lie in our way. If we fight, it must be of your seeking; and you must take all the risk and all the inconvenience which usually attend the challenger in such cases.

"You deny having made the communication to the British Consul at Pernambuco, which Captain Lewis and Mr. Goodwin have represented. The man capable of making such a communication would not hesitate in denying it; and until you can bring forward some testimony other than your own, you ought not to expect that the testimony of those gentlemen will be discredited. As to the veracity of the British Consul, I can prove, if necessary, that you have yourself vouched for that.

"You offer, as your excuse for not returning to your country during our war with England, that you had not been invited home by the then Secretary, notwithstanding you had written him, expressive of your wishes to be employed. You state, that, if you 'had received the slightest intimation from the department, that you would have been employed on your return, you would have considered no sacrifice too great, no exertion within your power should have been omitted, to obtain so desirable an object.' From this I would infer, that, in consequence of not receiving this intimation, you did not make the exertions in your power to return; and this I hold to be an insufficient excuse. You do not appear to have made any attempt, except by the way of the cartel, the John Adams. You cannot believe, that reporting yourself to the department, at the distance of four thousand miles, when

the same conveyance which brought your letter would have brought yourself, will be received as evincing sufficient zeal to join the arms of your country ; and, besides, you say it was not believed, for a considerable time after the news of the war arrived in Denmark, that it would last six months.

" With those impressions, you must have known that it would have occupied at least that time for your letter to have arrived at the department, you to receive an answer, and then repair to America. You deny that the opportunities of returning were frequent. The custom-house entries at Baltimore and New York alone, from the single port of Bourdeaux, will show nearly a hundred arrivals ; and it is well known, that it required only a few days to perform the journey from Copenhagen to Bourdeaux, by the ordinary course of post. You deny having been advised to return to this country, by your friends, during the war. Mr. Cook of Norfolk, your relative, says he wrote to you to that effect ; and Mr. Forbes, then our Consul at Copenhagen, who is now at this place, says he urged you in person to do so.

" You have charged the officers, who concur with me in opinion respecting your claims to service, as being my satellites. I think I am not mistaken when I inform you, that all the officers of our grade, your superiors as well as inferiors, with the exception of one, who is your junior, concur in the opinion, that you ought not to be employed again, whilst the imputations which now lie against you remain ; nor have they been less backward than myself in expressing their opinions.

" Your charge of my wishing to obtain your rank will apply to all who are your juniors, with as much force as to myself. You never have interfered with me in the service, and, at the risk of being esteemed by you a little vain, I must say I do not think you ever will. Were I disposed to kill out of my way, as you have been pleased to insinuate, those who interfere with my advancement, there are others, my superiors, whom I consider fairly barring my pretensions ; and it would serve such purpose better to begin with them. You say, you were the means of obtaining me the first command I ever had in the service. I deny it. I feel that I owe my standing in the service to my own exertions only.

" Your statement, that your advice prevented me from resigning on a former occasion, is equally unfounded. I have never, since my first admission into the navy, contemplated resigning ; and, instead of being ordered, as you state, from the first lieutenancy of the New York to the second of the Chesapeake, Commodore Chauncey, who was then flag-captain, can testify, that I was solicited to remain as first lieutenant of the flag-ship ; and I should have remained as such, had it not been for the demand which the government of Malta made for the delivery of the persons who had been concerned in the affair of honor which led to the death of a British officer. It was deemed necessary to send all the persons implicated in that affair out of the way, and I went home in the Chesapeake as a passenger.

" You have been pleased to allude to my having received the hospi-

talities of your family. The only time I recollect being at your house was on my arrival from the Mediterranean, in the Congress, fourteen years past. You came on board, and dined with me, and invited the Tunisian Ambassador and myself to spend the evening with you at Hampton. I accepted your invitation. Your having now reminded me of it tends very much towards removing the weight of obligation I might otherwise have felt on this score.

"You speak of the good conduct of your ancestors. As your own conduct is under discussion, and not theirs, I cannot see how their former good character can serve at all your present purpose. Fortunately for our country, every man stands upon his own merit.

"You state, that the 'Virginia delegation in Congress' had presented a memorial in your favor. I would infer from this, that all or the greater part of the Virginia delegation had interposed in your behalf. This, sir, is not the fact. A few of them, I am informed, did take an interest in your case; but being informed of the charges existing against you, of which they were before unapprised, they did not press further your claims. From the knowledge I have of the high-minded gentlemen that compose the Virginia delegation, if they would take the trouble to examine your case, I should, for my own part, be entirely satisfied to place the honor of the service upon their decision.

"You offer, as your excuse for permitting four months to intervene between our June correspondence (with which, from your letter, you appeared to be satisfied) and your letter of the 23d of October, your indisposition. I am authorized in saying, that, for the greater part of the four months, you were out attending to your usual occupations.

"Your offering your life to me would be quite affecting, and might (as you evidently intend) excite sympathy, if it were not ridiculous. It will not be lost sight of, that your jeopardizing your life depends upon yourself, and not upon me; and is done with a view of fighting your own character up. I have now to inform you, that I shall pay no further attention to any communication you may make to me, other than a direct call to the field."

*Commodore Barron to Commodore Decatur.*

*"Norfolk, January 16th, 1820."*

"SIR, — Your letter of the 29th ultimo I have received. In it you say, that you have now to inform me that you shall pay no further attention to any communication that I may make to you, other than a direct call to the field; in answer to which, I have only to reply, that whenever you will consent to meet me on fair and equal grounds, that is, such as two honorable men may consider just and proper, you are at liberty to view this as that call. The whole tenor of your conduct to me justifies this course of proceeding on my part. As for your charges and remarks, I regard them not; particularly your sympathy. You know not such a feeling. I cannot be suspected of making the attempt to excite it."

*Commodore Decatur to Commodore Barron.**"Washington, January 24th, 1820.*

"SIR,— I have received your communication of the 16th, and am at a loss to know what your intention is. If you intend it as a challenge, I accept it, and refer you to my friend Commodore Bainbridge, who is fully authorized by me to make any arrangement he pleases, as regards weapons, mode, or distance."

*Commodore Barron to Commodore Decatur.**"Norfolk, February 6th, 1820.*

"SIR,— Your letter of the 29th of December found me confined to bed, with a violent bilious fever; and it was eight days after its arrival before I was able to read it. The fever, however, about that time left me, and my convalescence appeared to promise a moderately quick recovery. I therefore wrote you my note of the 16th ultimo. In two days after, I relapsed, and have had a most violent attack, which has reduced me very low; but as soon as I am in a situation to write, you shall hear from me to the point."

DENVER, I. W., General. See *Gilbert, Hon. Edward.*

DERING, SIR CHOLMELEY, baronet and member of Parliament, and MR. THORNHILL. In England, year 1711; with pistols. The baronet was killed. This duel was the occasion of a bill in Parliament against duelling, but it did not pass.

Mr. Thornhill is introduced by the name of *Spinamont* in the *Spectator*, and is there made to utter the gravest self-accusations for unfortunately killing in single combat "the man whom of all men living he most loved." He bewails the event in the most abject distress, and says that his sorrow "is too great for human life to support."

DESHA, BENJAMIN. See *Conway, General.*

DESPORTES, Marquis of. See *Bouteville, Charles, Count of.*

D'ESTEREE, ——. See *O'Connell, Daniel.*

DEUJOY, MONS. See *Rollin, Mons. Ledru.*

DIBBLE, GEORGE M., and E. B. LUNDY. In California, in 1851. Lundy, a Canadian, escaped unharmed. Dibble, "formerly a midshipman," was killed. The seconds were J. C. Morehead and C. E. G. Moore.

DICKSON, or DICKENSON, and P. W. THOMAS. In California, 1854. The former, a physician of the State Hospital; the latter, District Attorney of Placer County. Dickson was killed.

D'ISRAELI, BENJAMIN. Challenge, in 1835, to Morgan O'Connell. The challenger, a son of the author of the celebrated *Curiosities of Literature*, has become a distinguished British statesman. At the outset of his political career, he was a *Radical*, and was thus associated with Daniel O'Connell, Mr. Hume, and other leaders of the party. But he abandoned his early friends, joined the *Conservatives*, and indulged in severe personal attacks upon his former allies, and especially upon the great "Liberator."

Mr. O'Connell replied in a tone of unexampled bitterness. He charged his assailant with apostasy and ingratitude; and closed his vengeful diatribe with these terrible words.

"I cannot," said he, "divest my mind of the belief, that, if this fellow's genealogy were traced, it would be found that he is the lineal descendant and true heir at law of the impenitent thief who atoned for his crimes upon the cross."

Mr. D'Israeli is of Jewish descent, and this sarcasm struck him like a poisoned arrow. In his uncontrollable madness, he ventured to rejoin, but to no purpose. In a letter to Mr. O'Connell, he declared his determination to seize the first opportunity offered him in the House of Commons, to inflict castigation for the insults which he had received,—a pledge which, it is averred, was never redeemed. His next step was a challenge to Morgan O'Connell, son of his accuser, who not only declined his cartel, but published the correspondence in the newspapers. D'Israeli won no laurels in his quarrel with the O'Connells.

DORSET, Earl of. See *Bruce, Lord Edward*.

DOTY, EDWARD, and EDWARD LEISTER. At Plymouth, in 1621. The parties were servants of Stephen Hopkins, and having a dispute, they settled it—gentleman-like—with sword and dagger. Both were wounded. Without a statute law on the subject, the whole company of Puritans assembled to consider and to punish the offence. The decision was the wisest that could have been made. Doty and Leister were ordered to be tied together, heads and feet, for twenty-four hours, without food or drink; but the intercession of their master, their own humility, and promises, procured a speedy release.

This, I suppose, was the first duel in New England. Possibly it was decisive. A personal combat between the renowned Miles Standish and John Alden, to adjust their difference about that arch maiden, Priscilla Mullens, would have been respect-

able, and might have afforded a precedent; but no persons of standing, for a generation at least, were likely to imitate two serving-men, who had been doomed to a punishment so entirely ridiculous. We of the North are disposed to plume ourselves upon our freedom from the sin and folly of duelling; but since the whole history of our fathers shows that they were as martial in spirit and in deed as were the Cavaliers who founded the States of the South, I am not sure that the spectacle of the first duellists, disposed *necks and heels*, the objects of jeers and sneers, is to be disregarded in explaining the difference which has ever existed in the two sections of the country.

DOUGLAS, —. See *Boswell, Sir Alexander*.

DOWDIGAN, door-keeper of the Senate of California, and Mr. HAWKINS. In California, 1854; with rifles, forty paces. The former wounded in the arm.

DOWNING and SMITH. At Gibraltar, about the year 1820. The first, a lieutenant in the navy of the United States; the other, a lieutenant in the British army. This duel, and other disputes between officers of the two nations, caused an order of the British civil and naval authorities in the Mediterranean, that American ships of war should not enter the port of Gibraltar.

DRAPER, SIR WILLIAM, Knight of the Bath. Challenge, in 1769, to "*Junius, — stat nominus umbra.*"

Junius, in the first of his celebrated Letters, which appeared in the *Public Advertiser*, spoke in terms of great severity of Lord Granby, the Commander-in-chief of the British army, to which the knight, who was a military man of some distinction, replied in the same paper. Junius rejoined, and the result was a personal controversy.

Some months afterwards, the Letters of Junius were republished, and a charge which Sir William pronounced "to be a most infamous and malicious falsehood" was retained, and drew from him a communication that concluded in these words.

"I allow that Gothic appeals to cold iron are no better proofs of a man's honesty and veracity, than hot iron and burning ploughshares are of female chastity; but a soldier's honor is as delicate as a woman's, — it must not be suspected. You have dared to throw more than a suspicion upon mine: you cannot but know the consequences, which even the meekness of Christianity would pardon me for, after the injury you have done me."



From the general tone of the knight's letter, it is evident that he indulged the hope, that his relentless accuser would avow himself, and afford "satisfaction"; but Junius was not thus to be drawn from his concealment. "Your appeal to the sword," he said in reply, "though consistent enough with your late profession, will neither prove your innocence, nor clear you from suspicion." And he further excused himself for declining the call, by the remark, that,

"As to me, it is by no means necessary that I should be exposed to the resentment of the worst and the most powerful men in this country, though I may be indifferent about yours. Though you would fight, there are others who would assassinate."

Still again :—

"I believe, sir, you will never know me. A considerable time must certainly elapse before we are personally acquainted," &c., &c.

DRAYTON, WILLIAM HENRY. See *Lee, General Charles*.

DROMGOOLE, GEORGE C., and MR. DUGGER. In 1837, in North Carolina; with pistols. Mr. Dromgoole was a member of Congress from Virginia; his antagonist, who was mortally wounded, was a gentleman of the same State.

DRYDEN, CHARLES. Challenge, in 1701, to Lord Jefferies. The challenger, a son of the poet; Jefferies, a son of the Lord Chancellor. The difficulty grew out of the inexcusable conduct of Lord Jefferies, relative to the poet's burial.

Dr. Johnson relates the story with some particularity, in his *Life of Dryden*, but remarks that he once intended to omit it, as not well founded. An outline of it only belongs to this volume. From the account, it would seem that, on the decease of Dryden, the Bishop of Rochester tendered a spot in Westminster Abbey, and the abbey fees, without charge, and that Lord Halifax offered to defray the cost of a gentleman's private funeral, and to give a handsome sum for a monument; which overtures the widow, and her son Charles, accepted, under an arrangement, however, (to save their feelings,) that the funeral should appear to the world as at the family expense. It seems further, that, at the moment the procession was ready to move from the house, Lord Jefferies, in passing, ascertained that the hearse contained the remains of Dryden, and the few coaches, the friends who were to accompany them to some burial-place; that he interfered, and offered to undertake on his own account a proper funeral, and to appropriate the sum of a thousand

pounds to a monument ; — that, by a course of procedure without example, he finally directed the poet's corpse to be carried to an undertaker's for embalment, and induced the gentlemen present to disperse, in order to assemble on another day ; — that, when applied to, three days afterward, by the undertaker, he pretended ignorance of his previous directions, and was pleased to intimate, that, as he was on a drunken frolic on the day he disturbed the funeral arrangements, he should have nothing more to do with the matter. Such is the substance of the tale. The result was, that Dryden's widow and son, unable to satisfy the Bishop of Rochester and Lord Halifax, were in the greatest affliction ; and that the poet's body was not committed to the grave until the lapse of three weeks from the time of decease.

Charles Dryden — the funeral services of his father at last performed — immediately challenged Lord Jefferies ; but received no answer. The challenge was renewed, and its renewal repeated. His lordship continued silent. Incensed beyond endurance, Mr. Dryden — denied all redress — determined that (though he would observe the duello in the combat) Jefferies should fight him without accepting a cartel, whenever they should chance to meet. His lordship heard of this resolution, and departed London. Mr. Dryden — so concludes the story — ever after attempted to obtain satisfaction, but was disappointed to the day of his death.

DUBERT and ELLESLESLER. In California, in 1854, with broadswords. They had a difficulty about a lady ; and met the day following the dispute, in the presence of friends and spectators. Both were skilled in the use of the weapon, and fought several minutes without effect. Ellesler finally received a severe cut on the sword arm ; when a proposition was made to quit, and to "have it out" as soon as his wound should heal. In a moment, however, the combat was renewed with great ferocity on both sides. After a lapse of some twenty minutes, Dubert was stabbed in the side. He expired the next morning.

DUDLEY, SIR HENRY BATE, Baronet. This personage, a clergyman in orders, and known as the "Rev. Henry Bate," and as "Parson Bate," was a duellist of no inconsiderable notoriety. He took the name of Dudley, in 1784, at which time he was a rector in the Church. In 1812, he received the living of Willingham, in Cambridgeshire, and three years later was created a baronet. In 1816 he was made a prebend in Ely cathedral, a

dignity which he retained until his decease, in 1824. At different periods of his life, he established and edited several newspapers, and was the author of a variety of dramatic pieces. At the time of his death, he was a magistrate for seven counties in England, and for four in Ireland. A more remarkable blending of the clerical with the worldly has seldom been seen.

He introduced himself to the notice of the world by an unclerical exhibition of personal prowess, in a Vauxhall squabble; and subsequently fought three duels. Two of his quarrels were caused by the "beautiful Mrs. Hartley, an actress," who died in England on the same day with himself. Another affair was with Andrew Stoney Robinson (sometimes called Stoney Bowes), an officer in the British army. Robinson was determined to marry the Countess of Strathmore, and accomplished his purpose by means the most wicked imaginable. After the commencement of his attentions to the Countess, a series of articles appeared in Dudley's paper, the *Morning Post*, which contained the most infamous attacks upon her reputation. These attacks became at last insupportable; and the Countess declared that she would marry whoever would challenge and fight the editor of that paper. Robinson, himself the author of these communications, turned round upon the unwary Dudley, who had been his dupe, sent him a message, and a duel in which both were wounded followed. The Countess, as she had promised, was united to Robinson, but he treated her most brutally, and a separation ensued.

Such was Parson Bate. Dr. Johnson entertained no respect for him. Boswell records a conversation in 1784, in which Johnson said, "Sir, I will not allow this man to have merit. No, sir; what he has is rather the contrary. I will, indeed, allow him courage, and on this account we so far give him credit," &c.

Sir Henry Bate Dudley, Baronet, may well be regarded as "a clergyman of extraordinary character." That he was "high in the Church, and an active and respectable magistrate," renders his female quarrels and his duels abominable.

DUGGER, —. See *Dromgoole, George C.*

DUJARIER and BOUVALLON. In Paris, in 1845, with pistols. The parties were editors of newspapers; the former of *La Presse*, and the latter of the *Globe*.

Bouvallon was the challenger, and at the first fire shot his antagonist in the head, and killed him instantly. "The duel grew out of something which occurred at a dinner party given in one

of the most celebrated establishments at the Palais Royal, at an expense of fifty-five francs (\$11) per head!"

Bouvallon was tried for murder at Rouen, March, 1846. Several interesting incidents occurred.

"The defence was, that the deceased was killed by the accused in a duel, according to the rules of honor regulating such combats. It was gravely objected on the part of the prosecution, that the defendant was not entitled to avail himself of these laws, because, at one period of his life, he had been guilty of *stealing a watch*. And a distinguished lawyer said, that 'a French jury would only tolerate duels among men of honor, and a man would forfeit his privilege to commit *murder*, if it was believed he had ever been a *thief*.'

"Forty-six witnesses were examined. The first was Alexander Dumas, the celebrated and popular writer of the day. 'He was the common friend of both parties engaged in the duel, and being informed that the weapons selected were pistols, and knowing how unskilful Dujarier was, sent his son with him to a shooting-gallery, where he was able to *hit a mark as large as a man only twice in fourteen times*.' But the testimony of Dumas went strongly to the *respectability of the parties as men of honor*!"

Another witness was Lola Montes, an artiste of the theatre Port St. Martin, who spoke French imperfectly. She was the wife or *mistress* of Dujarier. She took measures to prevent the duel, but was too late. "I was," said she, in her testimony, "A BETTER SHOT THAN DUJARIER, AND IF BOUVALLON WANTED SATISFACTION, I WOULD HAVE FOUGHT HIM MYSELF." She received the corpse of Dujarier from the carriage. He bequeathed her the principal part of his estate, which was very considerable.

The president or judge instructed the jury, that to kill a man in a duel is murder by the law of France, but that the jury had a right to declare that Bouvallon killed Dujarier under alleviating circumstances. The jury retired, and returned in ten minutes. The foreman, on being asked, "Is the accusation true?" answered, "Upon my honor and conscience, before God and man, the declaration of the jury is, 'No: the accused is not guilty.'"  
But Bouvallon was fined twenty thousand francs, for the benefit of the mother and nephews of Dujarier, and in default of payment was to suffer two years' imprisonment.

Lola Montes — the account is — retired to Bavaria, and became the mistress of the king. She was created Countess of Lansfeldt, and possessed much influence in the public affairs of Bavaria. Such, indeed, was her ascendancy, that to her was attributed the suppression of the Jesuits, the dismissal of the min-

istry, the decline of Austrian influence, and the adoption of a liberal and independent policy.

The Countess became, two or three years later, a resident of Switzerland, and thence proceeded to England. In 1849 she was arrested in London, on a charge of bigamy. Her career in the United States need not be related. She is now (1854) living in California.

DULANY, LLOYD, and the *Reverend* BENNET ALLEN. In Hyde Park, London, in 1782. Dulany was attended on the ground by Mr. Delancy, and his antagonist by Mr. Robert Morris. Dulany and the two seconds were, I conclude, "American Loyalists," who had taken refuge in England. The duel was fought with pistols, at eight yards, and about *ten o'clock in the evening*. The *reverend duellist, before firing, put on his spectacles*. His shot was fatal. Dulany fell, but rose, ran a few yards, and fell again. He was conveyed to his lodgings, and expired two or three days afterwards, in great agony.

The cause of the combat was this. Allen, in 1779, published in a London newspaper "a variety of American characters," and among them that of Dulany, who, in return, called the anonymous writer, in the same paper, a scoundrel and a coward. Allen avowed himself the author in 1782; when, after verbal and written communications through their friends, the terms of a meeting were arranged.

Allen, at the fall of his adversary, absconded; but finally surrendered himself. He and his second, Morris, were indicted for murder, and tried at the Old Bailey. Among the witnesses were two ladies, and Lords Bateman and Mountmorris, who gave *the Reverend* Bennet Allen an excellent character. Other witnesses swore that, a few hours previous to the duel, a man was seen shooting or practising at a mark, and one of them identified Allen, positively, as the person; but he proved an *alibi*. There was evidence, that, while Allen was the original aggressor, he invited the conflict, and in the communications which preceded it applied the most insulting epithets to the ill-fated Maryland loyalist. It also appeared that his second, Morris, repeatedly urged a postponement of the duel until a proper hour, the next day.

Mr. Justice Buller, in his charge to the jury, stated that, as to the law, "there is not, nor ever was, any doubt, that, where two persons meet together deliberately to fight a duel, and one of them is killed, the other is guilty of murder, and his second likewise." The jury, after twenty minutes' deliberation, returned a

verdict, — “Allen, guilty of manslaughter; Morris, not guilty.” The recorder then pronounced sentence, that the convicted party should pay a *fine of one shilling, and be imprisoned six months in Newgate.*

DULONG, M., member of the Chamber of Deputies, and THOMAS ROBERT BUGEAUD, a Marshal of France, and member of the same body. In France, in 1834, with pistols.

In 1833, the Marshal was appointed to command the citadel of Blaye, and to watch over the safe-keeping of the Duchess of Berri. The parties in opposition to the government, and to whom the Marshal was already sufficiently odious, represented this duty as degrading to him.

Shortly after the Marshal returned from Palermo, where he deposited the Duchess, in obedience to his instructions, there occurred in the Chamber of Deputies a violent debate, in which he participated. “Before all other things,” cried Bugeaud, loudly, “men must learn to obey.” “What!” retorted a voice from the opposite benches, “what, — even to making themselves jailers?” The speaker was Dulong. The Marshal demanded an explanation, which was given and accepted. But the quarrel, either by accident or design, was rekindled, and a duel followed. The friends of the Marshal, on the ground, were General Rumigny and Colonel Larry; those of M. Dulong, George W. Lafayette and Colonel Bacot. Dulong was shot through the head. His funeral, according to the political tactics of the time, very nearly produced a revolution. The Marquis de Lafayette joined the friends of Dulong, and followed his remains to the grave on foot; and, overcome with fatigue, on his return to his residence he took to his bed, which he never again quitted alive.

Bugeaud continued ever after a zealous supporter of Louis Philippe, and succeeded Marshal Clausel in command in Algiers. He died in 1849. Among the distinguished men at his bedside in his last moments were Generals Cavaignac and Bedeau, and Count Mole.

DUMONT, EBENEZER. See *Lane, J. H.*

DUNCAN, ALEXANDER, Member of Congress from Ohio. See *Cilley, Jonathan.*

DUNOVANT, JOHN. See *Legare, Davidson J.*

DUNWORTH, —, Lieut. See *Talbut, Captain.*

DUPONT, M., and M. CHAVOIX. In France, in 1851. Dupont

was slain. The survivor, it is stated, was doomed by the tribunals to pay a large sum to the family of his adversary.

DURRIEU, M. XAVIER. See *Bonaparte, Pierre*.

DURYEE, CHARLES H. See *Miller, William, Jun.*

E., a Captain, and Captain H., of the army of the Revolution. In 1779. The affair is told in *Thacher's Journal*. Captain E. was the challenged party, and at first refused to fight, and was, in consequence, horsewhipped by Captain H. Captain E. supported the chastisement with wonderful fortitude: his brother officers subsequently treated him with much contempt, and threatened to hoot him out of camp. Captain E. finding that he must fight or quit the army in disgrace, concluded to meet his antagonist. The duel was with pistols, at ten paces; neither party harmed.

EATON, WILLIAM O. See *McKie, James C.*

EDWARD III., King of England. Challenge, in 1342, to Philip de Valois, King of France. The crown devolved to Philip under the Salique law, he being cousin-german to Charles the Fair, brother of Isabella, the mother of Edward. Edward claimed the throne, in right of his mother, and in 1340 assumed the title of King of France. A war ensued: during a truce, provoked by the treacherous conduct of Philip, he proposed to determine the controversy by personal combat. The invitation was declined.

In 1349, while Edward was in France, prosecuting his claim by arms, he gave a cartel to Eustace de Ribaumont, a French knight or gentleman, on the field of battle, which was accepted. A furious encounter ensued. The English monarch was twice beaten to the ground. At last, Ribaumont was compelled to yield. In consideration of his bravery, Edward, not only released him without ransom, but gave him a string of pearls, which he took from his own head. "I know," said the King, "you are gay and amorous, and take delight in the company of ladies and damsels; let them all know from what hand you had the present."

EDWARDS, Major. See *Lee, General Charles*.

EGAN, JOHN, Barrister at Law. See *Curran, John Philpot*.

EGERTON, JOHN, and EDWARD MORGAN. In England, in

1608. Egerton was the son of a baronet, and was slain. He had, in a previous duel, given Morgan his life.

EGREMONT, Lord. See *Wilkes, John*.

ELDON, Lord. See *Mackneath, Robert*.

ELLESLEER, —. See *Dubert*.

ELLIOT, JESSE D., Captain in the U. S. Navy. See *Decatur, Stephen*, duel with Barron.

ESSEX, HENRY DE, hereditary standard-bearer of England, and ROBERT DE MONTFORD. In England, year 1158. Essex, in a battle in Wales, threw away the royal standard, and cried out that the King was slain. Montford asserted that his conduct was the result of treasonable designs, and offered to prove the truth of his accusation in single combat. Essex denied the charge, and accepted the challenge. The duel was fought in the presence of the King and his court. Essex was defeated, and expected to be executed ; but the monarch was satisfied with the confiscation of his estate, and with dooming him to the life of a monk.

ESSEX, ROBERT DEVEREUX, Earl of, the well-known favorite of Queen Elizabeth. In 1589, a formidable armament sailed from Plymouth, England, having on board the claimant of the crown of Portugal, and many young English nobles, who panted to humble the pride of Spain. Essex was of the number. Arrived at the gates of Lisbon, the Earl beat a thundering summons, challenged the governor to come forth, and encounter him, hand to hand, in single combat. The Spanish functionary who held the city took no notice of the defiance of the chivalric Englishman.

In 1591, Essex, while still abroad on the same or a similar romantic errand, gave a challenge to Villars, the governor of Rouen. The cause indicates the spirit of the time. Reproached with cowardice, because he had failed to avenge his brother's death, he proposed to Villars to meet him on horse or on foot, and by personal encounter to decide "which was the better man, fought in the better cause, or served the fairest mistress." The cautious governor, who cared little for knightly fame, declined the duel ; and uncourteously said, that, "as to the beauty of their mistresses, it was scarcely worth his while to put himself to much trouble about that."



In 1597 we find *Essex* inviting one of his own countrymen to a trial of skill with the sword. The Queen had bestowed upon him the dignity of Earl-Marshal, which gave great offence to the Lord-Admiral, Thomas Howard, Earl of Nottingham, who claimed the office by right of descent from *Mary Plantagenet*. *Essex* offered to decide the quarrel by duel, with Nottingham, or his sons, or all of them; but Elizabeth would not permit it, and employed Sir Walter Raleigh to bring about a reconciliation. See also *Blount, Charles*.

*ETEOCLES* and *POLYNICES*, brothers, and sons of *Œdipus*. The joint sovereignty of Thebes was bequeathed them by their father. They quarrelled, and made war; wearied finally with hostilities, it was agreed to terminate their strife by single combat. The brothers accordingly fought under the walls of Thebes. Both were killed.

*EU, COUNT D'*, and *GODEFROI BAYNARD*. This was one of the earliest trials by combat in England. The Count accused Baynard of being engaged in a conspiracy against William Rufus, and was allowed a field at Salisbury. The duel was fought in the presence of the King and his court. D'Eu was defeated, and by the King's order was cruelly mutilated.

*EURYBATES* of Argos, and *SOPHANES* of Athens. Herodotus relates, that, when the Athenians besieged *Ægina*, a challenge was given by Sophanes, which was accepted, and that Eurybates, who had conquered in the Nemean games, was slain.

*EUSTON, LORD*. See *Burlington, Lord*.

*EVANS, H. D.*, and *F. R. WRIGHT*. In California, 1851. The parties exchanged shots near the "Sans Souci," San Francisco, without death or wound.

*EVANS, W. P.* See *Rea, C*.

*EWART, —*. See *Sheridan, Richard Brinsley*.

*FAIR, —*, and *— GIST*. In Georgia, 1832. Fair was shot through the heart. Three of Gist's brothers were present on the ground.

*FAULKLAND, LORD VISCOUNT*, and *A. POWELL*. In England, 1809. The parties were intimate friends. They were present in a large company in London, when his lordship addressed Mr. Powell by a nickname, and persisted after it gave offence. This

was the sole cause of the quarrel. Lord Falkland was mortally wounded, but survived two days. He was succeeded by the present Lord Falkland, who married a daughter of William IV. by Mrs. Jordan, and was some time Governor of Nova Scotia.

FELTON, JOHN, celebrated in history as the assassin of the Duke of Buckingham, and in the republican party of England as a "Brutus." To convince his antagonist that he could hack his own body to avenge himself of an injury, he cut off a piece of one of his fingers, and inclosed it with a challenge. Felton was an officer, and, according to Clarendon, "of a gentleman's family in Suffolk, of good fortune and reputation." D'Israeli adds, that the Earl of Arundel was of his blood.

FENTON, ——. See *Hillas, Major*.

FERDINAND, King of Spain. Challenge, in 1475, to Alfonso, King of Portugal. Ferdinand sent a herald to defy Alfonso to a fair field of fight with his whole army, or, if he declined this, to invite him to decide their differences by personal combat.

Alfonso accepted the challenge; "but a dispute arising about a guaranty for the performance of the engagements on either side, the whole affair evaporated, as usual, in an empty vaunt of chivalry."

FERIL, or FENIL, COUNT. An Italian nobleman in a French regiment, who was banished from France for killing his enemy in a duel. His name is mentioned in 1686, in connection with a plot to seize the Prince of Orange, subsequently William III. of England.

FIELDING, ——. Challenge, in 1696, to Sir Henry Dutton Colt. Sir Henry was a justice of the peace, and gave offence to the challenger in the execution of the duties of his office. A proclamation was issued against Mr. Fielding, and a reward of £200 offered for his apprehension.

FINCH, WILLIAM B. See *White, F. B.*

FITZGIBBON, JOHN (subsequently Lord Clare). See *Curran, John Philpot*.

FITZHUGH, E. C. See *Gwin, William M.*

FITZPATRICK, General. See *Fox, Charles James*.

FITZWILLIAM, Earl of, and MR. BERESFORD. In England, 1795. The quarrel arose about "places and pensions." Just

as they had taken their ground, with pistols, at twelve paces, a magistrate interfered, and prevented further proceedings.

FLAMARENS, MONS. See *Frettes, La.*

FLANT, DOCTOR. See *Irby, F. W.*

FLOOD, HENRY. See *Grattan, Henry*, and also *Agar, James.*

FLORIDA: *Constitutional* provision: —

"No person shall be capable of holding or of being elected to any post of honor, profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this State, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or who shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance, whether the same occur or be committed in or out of the State."

FOLSOM, Captain. See *Russell, A. C.*

FORBES, —, a Scotch officer in the service of France. See *Wilkes, John.*

FORD, ROGER DU. See *Bouvet, Mons. F.*

FOX, the Right Honorable CHARLES JAMES, and WILLIAM ADAM, member of Parliament. In England, in 1779. The accounts of the cause of this duel differ. According to Wade, it arose from some remarks made by Mr. Fox, which were "*supposed* to be personal"; — in the British Plutarch, it is said that Mr. Fox "*severely attacked*" Mr. Adam. In a biographical notice of the latter, we find it related, that, at the opening of Parliament, Mr. Adam remarked in debate, that, "amongst those gentlemen who stood candidates for office, he could not single out one by whom the state was likely to be better served than by their present rulers"; that the opposition to the ministry "had already betrayed their intentions by the abject concessions they would have made to our revolted subjects in America"; that he expressed his fear that, should these gentlemen "be called to office, instead of carrying on the war with spirit and activity, they would terminate it with a dishonorable and humiliating peace"; and that Mr. Fox, in his reply, "commented" upon these sentiments very "*severely.*" \Horace Walpole's version is, that "Adam, a Scot, a man of a very suspicious character, had for two or three years distinguished himself by absurd speeches"; that, at the time in question, "he uttered a most ridiculous one,

in which he said, that, though he had left the house last year prepossessed *against* Administration, yet he had been converted to them by reading the examinations of the generals, who, he perceived, had been more to blame than the ministers; that this rhapsody Fox ridiculed in the highest degree, with infinite wit and argument; that Adam felt the sarcasm to the quick, and after the debate asked an explanation; and that Fox told him he meant no personal invective, and they parted." In the Continuation of Hume's England, we have this account: "The ministry, in their defence against the violent attacks of Opposition, frequently made use of the argument, that, bad as the ministers were, it was not certain that the nation would be at all bettered by taking their opponents. On this Mr. Fox animadverted with so much asperity, that Mr. Adam, who had made use of it in the same debate, called upon him for an explanation."

It was supposed that Mr. Adam was satisfied; but some days afterwards he wrote Mr. Fox, requiring him to allow the following paragraph to be inserted in the newspapers (in reply to an account of the affair in Parliament which had been published, much, as Mr. Adams thought, to his injury):—

*"We have authority to assure the public, that, in a conversation which passed between Mr. Fox and Mr. Adams, in consequence of the debate in the House of Commons on Thursday last, Mr. Fox declared, that, however much his speech may have been misinterpreted, he did not mean to throw any personal reflection on Mr. Adams."*

Mr. Fox declined to grant the desired liberty, and said that his speech, as published, was incorrect and unauthorized by him, and that Mr. Adam might publish the speech correctly, or the conversation between them in relation to it, at his pleasure. It is asserted, further, that Mr. Adam's "*friends*," not content with this explanation, demanded that Mr. Fox should himself disabuse the public mind, in the manner proposed; and that, upon his refusal, a challenge followed.

The two statesmen met in Hyde Park. The incidents on the ground, as stated by Walpole and in the Continuation of Hume, differ from the account of General Fitzpatrick and Major Humbleton, the seconds (as quoted by the editor of Walpole), who say:—

"Mr. Adam fired and wounded Mr. Fox, which we believe was not at all perceived by Mr. Adam, and it was not distinctly seen by either of ourselves. Mr. Fox fired without effect; we then interfered, asking Mr. Adam if he was satisfied. Mr. Adam replied, 'Will Mr. Fox de-

clare he meant no personal attack upon my character?' Upon which Mr. Fox said, this was no place for apologies, and desired him to go on. Mr. Adam fired his second pistol without effect; Mr. Fox fired his remaining pistol in the air; and then said, as the affair was ended, he had no difficulty in declaring that he meant no more personal affront to Mr. Adam than he did to either of the other gentlemen present. Mr. Adam replied, 'Sir, you have behaved like a man of honor.' Mr. Fox then mentioned that he believed himself wounded; and, upon opening his waistcoat, it was found it was so, but, to all appearance, slightly."

Wraxhall, in his Memoirs, remarks, that apprehensions were entertained for Fox's life, and that the people surrounded his lodgings with clamorous demonstrations of anxiety for his safety, and with angry reproaches against his political and personal foes.

If we credit Walpole, who disliked Mr. Adam, (so much as to say that "he could not describe him, as he never extracted malevolence out of the fogs of the Highlands,") and who may be allowed, therefore, to speak in his favor, we are to ascribe this duel to the officious zeal of Mr. Adam's "*friends*," rather than to any wish of his own; while we have the authority of one of the other writers quoted for believing that Mr. Fox, while on the ground, said that "he had no quarrel" with the gentleman who had called him there. There was, then, no real misunderstanding between the parties. And what "satisfaction" did Mr. Adam receive? Precisely what Mr. Fox gave him before the combat, — an assurance that no "personal affront was meant." The truth is, that the malign influence of party spirit drove Mr. Adam to risk his own life, and to aim at the life of his eminent adversary, in order to have a victim on one side or the other. As it was, the ministry were the losers; and the slight injury to Mr. Fox increased the public animosity against them, which, in the words of the historian, "was already almost universal."

FOX and RANDALL. Near Washington, in 1821. The circumstances, as related by a gentleman who was at Washington at the time, are as follows.

Randall was a clerk in the Treasury Department. He seduced the daughter of a lady with whom he boarded. The girl's brother, a cadet at West Point, and Randall, had a rencounter in consequence, in which the latter was severely wounded. After his recovery, he was assaulted in the street by a person who, as he supposed, was set on by a young man named Fox, who was also a boarder of the lady. To revenge this attack, Randall soon

after gave Fox a caning. Fox then challenged Randall. They fought at eight paces, with pistols. Fox was killed on the spot. Randall was dismissed from the public service.

FRANCIS, SIR PHILIP. See *Hastings, Warren*.

FRANCIS I., King of France. Challenge, in 1527, to CHARLES V., Emperor of Germany. Historians commonly regard this affair as of great consequence. They suppose that it produced a change in manners throughout Europe, and gave countenance or authority to persons of inferior rank, and of all ranks, to adjust private differences by duel. According to some, indeed, modern duelling *dates* from the quarrel between these two monarchs. As this opinion has been examined elsewhere in this volume, the subject may be dismissed here without further remark.

Francis and Charles were rival claimants to the same dominions. War was proclaimed against Charles by both France and England, early in 1528, by heralds at his own court. The Emperor, in dismissing the French herald, sent a message to Francis, reminding him of a conversation at Madrid, before their alienation, and declaring that henceforth he should consider him not only as a base violator of public faith, but as having broken his word, given on the honor of a gentleman. Francis instantly ordered the herald to return to Charles with a cartel of defiance, in which he gave the Emperor the lie in form, challenged him to a duel, and required him to appoint the time, the place, and the weapons. The challenge was promptly accepted. Several messages followed, on both sides, relative to the arrangements for the combat; but the monarchs never met. The conduct of Charles on this occasion was not such, probably, as to win the approbation of duellists; especially if we follow Hume, who states that *he*, and not Francis, gave the *first* challenge. Besides, the Emperor's course subsequently was quite similar. In a speech at Rome, before the Pope and Cardinals, he proposed a duel, in which the magnificent prize to be fought for was the Duchy of Burgundy on the one part, and the Duchy of Milan on the other; but on the following day he so far modified his language as to lead to the conclusion, that his challenge was a mere figure of speech, and meant nothing.

FRETTES, LA, and CHALAIS. In France, in 1663. This was one of the "famous duels" of the time. Eight gentlemen were engaged in it; namely, two La Frettes, Saint Aignan, and Ar-

genlieu, on the one side, and Chalois, Noirmoutier, D'Antin, and Flamarens on the other. I have ascertained no further particulars.

FREEMAN, General, and General SMITH. In Mississippi, in 1851. The Generals were the candidates of opposite parties for Congress. Smith was wounded at the "fifth round." The cause, as stated in the public prints, was that "Smith wrote a letter to some of the papers, in which he made injurious statements against Freeman."

FRENCH, GEORGE, and SIR EDWARD CROFTON, Baronet. In 1770. French was slain; he was of the family of French of French Park, county of Roscommon.

FREYCHAPPEL and SWIEGEL, gentlemen of the kingdom of Hanover. In 1750. An affair of jealousy. Both paid assiduous court to the Countess of Yarmouth, mistress of George II. of England. Freychappel was killed.

FROST, JOHN WILLIAM, and THOMAS HUNT. At or near New Orleans, in 1851, with double-barrelled guns, at forty paces. Frost was son of the late Dr. William Frost, of Kennebunk, Maine, and a student of law of the late Andrew Dunlap, of Boston. Before removing south, he edited a paper in Maine. At the time of the duel, he was one of the editors of the *New Orleans Crescent*. Hunt was a physician of New Orleans. Frost fell at the second fire, and died in a few minutes. His "sparkling eye and silver tongue rendered him as popular with his school-fellows," writes his chum, "as, later in life, he was with juries and political assemblies."

It appears, from several sources, that the fatal meeting arose from the course pursued by Frost, in regard to a candidate to represent the second district of Louisiana in Congress. This district is Whig, having been represented by the Secretary of War under Mr. Fillmore's administration (Mr. Conrad), and by Judge Bullard, immediately preceding the year 1851. The canvass for a successor to the latter commenced with much acrimony and personal feeling. Two gentlemen were presented for the suffrages of the Whigs, — Colonel T. G. Hunt, and Mr. I. N. Marks. Frost preferred Marks, and assailed the Colonel and his brothers in the *Crescent*. Subsequently, and a few days previous to the encounter, Frost gave additional offence, in a speech at a caucus called to select delegates to attend a congressional convention.

The following extracts from three New Orleans papers furnish all the additional information necessary to an understanding of the case. The *Crescent* — its columns in mourning — said:—

"We regret to announce the death of the principal editor of this paper, Mr. John W. Frost, who fell yesterday in a hostile meeting, arising out of the proceedings at the 'Shades' on Monday night last. Mr. Frost removed, soon after obtaining his professional education, to Georgia, where he married and settled himself in the practice of the law; but was induced in a few years to remove to Shreveport, in this State, whence he again changed his domicile, in 1843, to the parish of Concordia; and in 1847 he established himself in this city, where he has since resided. Since February, 1850, he has been connected with this journal as its principal editor.

"His remains will be conveyed to Alexandria, Red River, on the first steamboat that leaves for that place."

The *Delta* of the same date contained particulars of the combat.

"Both parties fired, in the first instance, without effect. No proposition for an amicable arrangement came from the friends of Mr. Frost; —none, of course, could come from the friends of Dr. Hunt, as he was the challenged party. The barrels just discharged were reloaded, and at the second fire, Dr. Hunt's shot took effect; his ball entered at the right armpit of Mr. Frost, passed through the lungs, and lodged under the scapular of the left shoulder. He fell, mortally wounded, and in some ten minutes expired. The body was carried off and placed in a room of the barracks.

"Mr. Frost leaves an amiable orphan daughter, some fourteen years of age, to mourn a parent's premature death.

The *Picayune* related incidents which are omitted in its contemporaries, and show that the quarrel commenced at the Congressional election the year previous.

"*Fatal Duel.*— We lament to announce that the difficulties which have for some time existed, and with which the public has been made familiar through the press, between Mr. Frost, the editor of the *Crescent*, and Colonel T. G. Hunt, one of the candidates for the nomination to Congress, have had a fatal termination. Mr. Frost fought a duel yesterday, at about 1 o'clock, P. M., at the United States Barracks, below the city, with Dr. Thomas Hunt, the brother of Colonel T. G. Hunt. They fought, as we hear, with double-barrelled guns, at forty paces, and on the second fire Mr. Frost was mortally wounded, the bullet passing through his left breast, and he died within half an hour. Dr. Hunt was unhurt.

"The immediate cause of offence was an altercation which took place at the Whig meeting in Perdido Street, on Monday evening. It was, however, only the renewal of an ancient difficulty, arising out of the



Congressional election last fall, when Colonel T. G. Hunt was a candidate before the Whig Convention, and Judge Bullard, the law partner of Mr. Frost, obtained the nomination. Another of the brothers of Colonel Hunt became then involved in a personal difficulty with Mr. Frost, and the preliminary movements for a duel were made upon the part of Mr. Frost, but they failed. The ill feeling has rankled ever since, and the new canvass, in which Colonel Hunt is again a candidate, revived it, produced the collision at the 'Shades,' and has ended in this lamentable manner. There was a meeting between the parties on Wednesday, which the police interrupted, and both challenger and challenged were bound over. They disregarded the bonds, went almost directly from the Recorder's office to the United States Barracks, and finally closed up this most unhappy quarrel with the death of Mr. Frost by the hands of Dr. Hunt."

FULLARTON, —, Member of Parliament. See *Shelburne, Earl of*.

GACE, Count de. See *Richelieu, Louis F. A. de Plessis, Duc de*.

GALEAZZO, a distinguished general of Mantua. He was killed at the siege of Trecco, in 1406. Two duels in which he was engaged are found recorded in the account of his feats in arms. One was fought in France, with a gigantic Englishman, who is called *Robinus Novellus*, and who had been victorious in seven previous combats. The name of the Briton was so terrible, that no Frenchman dared to accept his challenge; but he was vanquished by the skill and prowess of Galeazzo, who spared his life at the intercession of the King of France.

His second encounter was at Padua, with the Marshal de Boucicault (as is supposed), in the presence of many noble Venetians. The judges of the field interfered, and prevented bloodshed.

GARDINER, COSMO. See *Thomas, Colonel*.

GARDNER, Cornet. See *Hill, Reverend Mr*.

GATES, General HORATIO. See *Wilkinson, General James*.

GEOFFREY of Lusignan. Challenge to CONRAD, in the Holy Land, during the Crusade, about 1192. Guy of Lusignan, in full assembly of Crusaders, averred that Conrad had perverted law, and embezzled treasure. The accused replied, that, in right of his wife, the Queen Isabella, he was justified in his conduct. Geoffrey, brother of Guy, rose in fury; called Conrad a perjured man and traitor, and, defying him, threw a glove at his feet. As,

by the laws of chivalry, a sovereign was not compelled to accept a challenge from a vassal, Conrad cast a scornful glance at his foe, and retired in silence from the assembly.

GERMAINE, LORD GEORGE. See *Lutterell, Temple*.

GERMAINE, LORD GEORGE, and Governor GEORGE JOHNSTONE. In England, 1770. The cause, angry words in the House of Commons. The second of Germaine, the Right Hon. Thomas Townshend : of Johnstone, Sir James Lowther, Baronet. Each fired two pistols. At the first fire Johnstone's ball shattered one of his lordship's weapons in his hand. Both escaped without injury.

Germaine is better known as Lord George Sackville. Johnstone is connected with our annals as Governor of an American colony, and as Commissioner of England, with Eden and Lord Carlisle, to attempt a reconciliation with the Colonies during the Revolution.

GIBSON, —. See *Cocke, Samuel B.*

GIBSON, W. E. See *Irving, C.*

GILBERT, —. See *Barrington, Colonel Jonah*.

GILBERT, HON. EDWARD, ex-member of Congress, and General I. W. DENVER. In California, 1852. The Rev. M. C. Willing communicated to the *Journal of Commerce* the following statement: —

"The legislature of California at its last session passed a bill to provide for the sending of relief to the overland immigrants, who might be in a destitute condition or exposed to danger from hostile Indians. This bill required the Governor, who had made the recommendation to the legislature, to raise a company and supply trains sufficient to meet the necessities which might exist during the season. The Governor had obeyed these instructions, and a short time since marched in front of this train through Sacramento City, as it was setting out upon this humane expedition.

"Mr. Gilbert constantly opposed this whole measure, frankly stating in his editorials that he believed the movement was designed for the purpose of making political capital, and that it would be a very heavy expense to the State, and render very little aid to the immigrants. When the press announced the departure of the supply train, and complimented the Governor, who escorted it out of Sacramento, Mr. Gilbert ridiculed the parade and show that was made about it, and intimated that this fact proved that the whole thing was got up to increase the Governor's popularity. Many believe that Mr. Gilbert was entirely

wrong in his views about this matter, and that pure motives of benevolence prompted the Governor and others.

"General Denver, a member of the State Senate, was connected with the relief train, and was a personal friend of Governor Bigler, and he replied to Mr. Gilbert's articles by publishing a card, in which he made use of some uncourteous language. Mr. Gilbert replied, and General Denver retorted. A challenge was immediately sent to General Denver, and accepted, and rifles were the weapons selected. Mr. Gilbert fell at the second shot, and expired in less than five minutes. Mr. Gilbert was a native of Albany, New York. He was a member of the Convention to form the Constitution for the State of California, and, immediately after her admission into the Union, he was chosen a Representative to Congress. He has been the pioneer of the daily press in California, and his paper was in advance of any west of the Rocky Mountains. He was only thirty-three years of age."

GILLESPIE, Captain. See *Barrington, William*.

GIRARDIN, EMILE DE. See *Carrel, Armand*.

GIST, ——. See *Fair, —*.

GLOUCESTER, Duke of. See *Burgundy, Duke of*.

GLYNDER, OWEN. See *Sene, Howell*.

GOLIATH, the Philistine, and DAVID, the Hebrew. In the year B. C. 1063. Some persons will smile to find a Scripture story in a work of this description. But the contest between the giant of Gath and the son of Jesse was a *duel* in every sense, and is therefore rightly here.

Goliath uttered, (as recorded in Samuel,) "*I defy the armies of Israel this day: give me a man, that we may fight together.*" This was the challenge. According to Josephus, the Philistine offered single combat to save the effusion of blood; proclaiming to Saul and the Hebrews that there was no necessity for a battle between the two armies, inasmuch as the conqueror in the duel which he proposed "should have the reward of the conqueror, and determine the war." "And certainly," concluded Goliath, "it is much better, and more prudent, to gain what you desire by the hazard of one man than of all."

Perhaps the motives of David, in accepting the cartel, were not entirely patriotic or disinterested. The account in Samuel shows that he was particular in his inquiries as to the *reward*, and asked more than once about Saul's offer of his daughter in marriage, and a sum of money, to whoever should slay the vaunting hero who, day after day, presented himself in defiance before the camp of Israel.

Goliath, says Josephus, felt insulted at the weapons selected by the shepherd-boy, as being those used in driving away and avoiding dogs, rather than those employed in combat between man and man, and so the Philistine demanded: "Dost thou take me not for a man, but a dog?" To which David answered: "*No, not for a dog, but for a creature worse than a dog.*" The giant, very angry, "cursed him by the name of God," and threatened to give his flesh to beasts and birds. The duel commenced. A stone from the stripling's bag, hurled from his sling, struck the mighty one of Gath in his forehead, — fractured his skull, and brought him to the ground. "So David ran and stood upon his adversary, as he lay down, and cut off his head with his own sword; for he had no sword himself."

David won the princess; but her father was disinclined to fulfil his promise, and proposed new conditions. David's reply tells the secret of his heart: "*Seemeth it to you a light thing,*" he said, "*to be made the king's son-in-law? It does not seem so to me; especially when I am one of a family that is low, and without any glory or honor.*" The lowly born son of Jesse, and Michal, daughter of the monarch of Israel, became one in marriage. The path to "glory" and to "honor" was now open to the ambitious youth. In due time he wore the royal purple.

GANAH, CHARLES, and THOMAS DANIELS. In Georgia, 1852. Two shots were fired, without injury to either.

GONTAUT, CHARLES DE, Duke of Biron. See *Clarency, Prince of*.

GONZALIER, knight substitute, or champion of Ramiro, king of Aragon. See *Bivar, Don Rodrigo*.

GORDON, Colonel. See *Illo, Colonel*.

GOURGAUD, Baron de, Adjutant-General of Napoleon, and Count SEGUR. In 1825. The offence, a reply of Gourgaud to Segur's work on the Campaign of the Emperor in Russia.

GOWER, WILLIAM, and Major ONEBY. In London, in 1725. They met in a tavern, Drury Lane. Gower was killed unfairly. Oneby was tried for murder, convicted, and sentenced for execution, but committed suicide. Gower was of the family of that name, in the county of Stafford, and in right of his mother lord of Weston Coyney.

**GRADY, HENRY.** An Irish lawyer of the last century, who, says Phillips, "wounded every man whom he fought."

**GRADY, HENRY DEANE,** "counsel to the revenue," Ireland. He fought several times; "all hits."

**GRAFTON, Duke of.** See *Pomfret, Earl of*.

**GRAHAM, W. G., and MR. BARTON.** At Hoboken, New Jersey, in 1827. Graham was associate editor of the *New York Courier and Inquirer*, and was slain. He admitted that he was in the wrong. "By giving Mr. Barton 'a blow,'" said he,

"I have forced him into the condition of a challenger; and that by not doing what he has, he would have blasted his character as a gentleman, for ever. In common justice, I am bound thus to absolve him from all suspicion of unbecoming conduct respecting the challenge. The provocation, though *slight*, was still a provocation, which I could not overlook. It is out of the question for me to explain, retract, or apologize. . . . Mr. Barton is a talking man, who dwells very complacently on his own skill as a marksman, on his experience as a duellist, and on his accuracy as a person of *ton*. I pretend to none of these, and therefore must oppose the most inflexible obstinacy. After he is *perfectly satisfied*, I may, perhaps, apologize,—that is, in case I am fatally wounded. It is needless for me to say, I heartily protest and despise this absurd mode of settling disputes, and *salving* the wounds of honor. But what can a poor devil do, except bow to the supremacy of custom?"

Comment is unnecessary. Graham, conscious to himself that he was in fault, would not confess it, because he feared disgrace, and obeyed a custom which he "despised," and against which he "protested" in the last hours of life! How many cases like this are recorded in this volume!

**GRAHAM, W. H., and F. LEMON.** In California, 1851. Seven shots exchanged with revolvers. Lemon wounded in the shoulder.

**GRATTAN, HENRY.** His affairs with Henry Flood, and with Isaac Corry are related with effect in *Curran and his Contemporaries*.

The first, with Flood, in 1783. In a debate in the Irish Parliament, on motion of Sir Henry Cavendish, recommending "retrenchment," after the two members had uttered warm words, each of the other, Grattan addressed his antagonist in the most violent terms at his command, and concluded thus. "I will stop him in his career," said he, "and tell him, that 'he is

mistaken if he thinks his talents are as great as his life is infamous.' ”

“ We have seen you,” he continued, “ we have seen you a violent opposer of government, and afterward on the most trying questions silent,—silent for years,—and silenced by money ; we have seen you haunting this house like a guilty spirit, watching the moment when you should vanish from the question ; or you might be descried hovering about this dome, like an ill-omened bird of night, with sepulchral note, cadaverous aspect, and a broken beak, watching to stop and pounce upon your prey ; or we have detected you hid behind that chair to avoid a division, or feigning infirmities to excuse your absence. Influenced by place, or stung by disappointed ambition, we have seen you pursue a course of manifest duplicity. You can be trusted by no man : the crown cannot trust you ; the people cannot trust you : you have dealt out the most impartial treachery to both, and now you tell the nation she was ruined by others, when she was sold by you.”

This was, indeed, terrible invective. But his closing epithets were still more dreadful.

“ You fled,” said Grattan, “ you fled from the Mutiny Bill,—you fled from the Sugar Bill,—you fled from the Six Months’ Money Bill : I therefore tell you, in the face of your country, before all the world, and to your beard, you are not an honest man.”

The two statesmen retired from the House. Mr. Flood, though arrested, escaped. A hostile meeting was appointed. But a judicial warrant put an end to the arrangement.

The quarrel with Corry was several years afterwards. That, like the other, was in the Irish Parliament. Grattan had just been returned for Wicklow, and entered the House sick, trembling, attenuated, and supported by friends.

“ It was solemn midnight, in the very height of feverish excitement ; the question was one of life or death to Ireland,—a question whether she was to dwindle into a province, or retain her name among the nations [*the bill for union with England in the year 1800*]. The passions of the assembly were mastering its reason : burst after burst, inspired by such a theme, was more and more inflaming them, when the wild cheer and almost frenzied acclamation were hushed as if by magic,—and a spectacle was seen which was not seen without tears. Grattan had watched by the cradle of Irish independence,—there he was, faithful to the last, gasping for breath, as if about to die for it. He spoke from his seat,—he was too feeble to stand,—his voice was weak, his utterance impeded ; but as he warmed with his mighty subject, the recollection of his youthful toils and youthful triumphs revived his spirit, and he grew young again.”

Corry, in the course of a speech in this memorable debate,

made a deliberate attempt to crush the great orator, and among other things declared, that, instead of enjoying the confidence of the people of Ireland, he ought to be standing at the bar of his country, — at the bar of her criminal tribunals, to answer for his treasons. Grattan replied. At the close of his remarks he uttered, The gentleman

“In Parliament has calumniated me to-night; in the King’s courts he will calumniate me to-morrow; but had he said, or dared to insinuate, one half as much elsewhere, the indignant spirit of an honest man would have answered the vile and venal slanderer with a blow.”

A duel was inevitable. The parties went instantly from the House to the field, and fought by twilight. In the dimness, Grattan said, “The gentleman is placed too far off; — I cannot see him plainly; — let him come nearer.” Corry was wounded in the arm.

GRAVES, WILLIAM J., member of Congress from Kentucky. See *Cilley, Jonathan*.

GRAY, JOHN T. See *Pope, Henry C.*

GRAY, WILLIAM, and the Earl of SOUTHESK. In England, 1660. Gray was slain; he was a son of Sir William Gray, of the lineage of the ducal families of Suffolk and Kent.

GRAYSON, —, and Lieutenant SPARLING. In England. Sparling refused to marry a niece of Grayson to whom he was engaged. Grayson thereupon threatened to chastise the delinquent, “as a villain and a scoundrel.” Grayson was slain. Sparling was tried for murder, and acquitted.

GREEN, Doctor. See *Hester, Hon. D.*

GREENE, General NATHANIEL, of the army of the Revolution. See *Gunn, Captain*.

GRENVILLE, GEORGE, and Lord HENRY PAULET. In 1765. Paulet told Grenville, in Parliament, “that, if Lord Cobham was to rise from the dead, he would, if he could be ashamed of anything, be ashamed of him.”

“Grenville rose in a rage, like a basket-woman,” says Walpole, and told Lord Harry, that, “if he chose to use such language, he knew where to find him.” “Did you ever hear of a prime minister,” continues the brilliant letter-writer, “challenging an opponent, when he could not answer him? Poor Lord Harry, too, was an unfortunate subject to exercise his valor upon.”

GREY, —, Captain in the British army, and Lord LEMPSTER. In England, in 1752, with swords. The quarrel was about a gaming debt. Grey was killed. Lord Lempster was tried at the Old Bailey, and found guilty of manslaughter. He became Earl of Pomfret, and was the second nobleman of that title. When, in 1765, Lord Byron was tried by his peers, for killing Mr. Chaworth in a duel, the Earl was absent.

GREY, Lord of Wilton. See *Southampton, Earl of*.

GRIFFITH AP GRONW, and HOWELL AP RYS. A servant of Griffith went to fish, and was beaten by Howell. Griffith took up the matter, and challenged Howell to combat. Howell refused to fight. Thereupon Griffith assembled his friends and retainers, assaulted Howell in his own house, and burned some of his outbuildings; and while thus employed, was shot dead on the spot.

GRIFFITH, THOMAS AP. In the wars between the houses of Lancaster and York. Antagonist unknown. Griffith was slain. One of his sons was ancestor of Lord Dynevor; his second wife, a granddaughter of Philip, Duke of Burgundy.

GRILLI, ANDREA, Doge of Venice. See *Brunswick, Henry, Duke of*.

GRONARD, Colonel. See *Jones, Major*.

GUBION, RALPH, Prior of Tinmouth. In England. A judicial combat. One Simon claimed a right to the maintenance of two persons in the Priory, which Gubion denied. The dispute was carried before the Abbot of St. Albans and his court baron, who ordered it to be tried by combat. Gubion appeared on the day appointed, attended by his champion, a man of gigantic stature. The champion was defeated. Gubion consequently lost his case, and, deeply mortified, immediately resigned his office.

GUELDERLAND, ARNOLD, Duke of, and his son ADOLPHUS. About the year 1470. Adolphus asserted, that the Duke had reigned long enough, and designed to dethrone him. The Duke challenged his son to single combat. The unnatural youth accepted the defiance; but the Duke of Burgundy prevented the duel.

GUISE, Duke of. See *Upton, Sir Henry*.



GUMLEY, Colonel. See *Braddock, General Edward*.

GUNN, Captain, of Georgia. Challenge, in 1785, to General Nathaniel Greene. Gunn, during Greene's services at the South, in the Revolution, had exchanged a *public* horse with a brother officer, and, by the General's order, had been tried for the offence, and compelled to make restitution. Upon this circumstance, Gunn, on Greene's removal to Georgia, based his demand for satisfaction, and by the hand of Colonel Jackson gave a formal challenge. Jackson, on ascertaining the merits of the case, withdrew. Gunn found a new friend in Major Fishbourne, and renewed his cartel. Greene, having refused the first, declined to notice the second in any way; and thereupon Gunn threatened a personal assault. Greene's reply was that he always wore his pistols. They never met. The General, under apprehension that his conduct might be misinterpreted by his brother officers, gave Washington a full history of the affair, and asked his opinion.

"If," said Greene, "I thought my honor or reputation would suffer in the opinion of the world, and more especially with the military gentlemen, I value life too little to hesitate a moment to accept the challenge."

The Commander-in-chief wrote, in answer:—

"I give it as my decided opinion, that your honor and reputation will stand, not only perfectly acquitted for the non-acceptance of his (Gunn's) challenge, but that your prudence and judgment would have been condemned by accepting it; because, if a commanding officer is amenable to private calls for the discharge of his public duty, he has a dagger always at his heart; and can turn neither to the right hand nor to the left, without meeting its point. In a word, he is no longer a free agent in office, as there are few military decisions which are not offensive to one party or another."

This instance of the force of public sentiment is of great value. The affair with Gunn evidently gave the General much disquiet. His courage had never been doubted. But he dared not act definitely and finally without the assurance of the most illustrious man in history, that his "honor," his "reputation," would not suffer by disregarding the call. No wonder that persons in the common walks of life yield against *their* convictions, in cases of aggravated injury, when a gentleman of Greene's lofty character and standing, in every sense, hesitated whether to meet an inferior officer, under the circumstances here related.

GUSTAVUS II., or GUSTAVUS ADOLPHUS, King of Sweden, and Colonel SEATON. The King offended the Colonel, who, a Scotchman, was in his service. The Scot departed the kingdom. The King followed, and as he overtook him exclaimed, "Dismount, sir! I acknowledge that I have injured you, and I have come to give you the satisfaction of a gentleman; for we are now without my dominions, and Gustavus and you are equal!"

This was noble; but how much more noble, had the monarch confessed his fault *within* his dominions, and in the presence of those who were acquainted with the insult to his officer!

GWIN, WILLIAM M., and J. W. McCORKLE. In California, 1853. The former, a Senator, the latter a Representative, in the Congress of the United States. Among the friends who attended them on the ground were Mr. Marshall, a member, and Mr. Inge, an ex-member, of Congress. The parties agreed to meet near the line of the counties of San Francisco and Santa Clara, but, apprehending interference, repaired to another place. The weapon, the rifle, at thirty paces, the combatants to wheel at the word, and fire. A number of spectators were present. The friends of the two gentlemen relate the sequel in the following card.

"After an exchange of three ineffectual shots, between the Hon. William M. Gwin and Hon. J. W. McCorkle, the friends of the respective parties having discovered that their principals were fighting under a misapprehension of facts, mutually explained to their respective principals in what the misapprehension consisted; whereupon Dr. Gwin promptly denied the cause of provocation referred to in Mr. McCorkle's letter of the 29th of May, and Mr. McCorkle withdrew his offensive language uttered on the race-course, and expressed regret at having used it.

(Signed,)

S. W. INGE,  
F. STUART,  
E. C. MARSHALL,  
E. C. FITZHUGH,  
GEO. P. JOHNSON,  
A. P. CRITTENDEN."

"June 1st, 1853.

GWINNETT, BUTTON, and LACKLAND MCINTOSH. In 1777. Gwinnett, a member of Congress, and a signer of the Declaration of Independence; his antagonist, an officer in the army of the Revolution. They met, with pistols, at twelve feet. Both were wounded; Gwinnett mortally. The cause, personal enmity and rivalry. They were competitors for the office of Brigadier-

General. McIntosh was successful. Subsequently, Gwinnett failed to be elected Governor of Georgia, at which McIntosh exulted, and indulged in remarks which produced a challenge.

GRYMES, WYNDHAM, and MR. TERRELL. In Virginia, 1803. Grymes was the challenger. Terrell declared on the ground that he appeared there without enmity, and should fire with reluctance. Grymes was slain; in his last moments he exonerated his adversary from all blame, said the meeting was of his own seeking entirely, and expressed the hope that Terrell would not be molested.

HALL, JANE, and CATHERINE HURLEY. In Buffalo, 1853. A newspaper of that city states that

"Officer Harris ascertained to-day that a girl named Jane Hall, who had come from Rochester for the purpose, and Catherine Hurley, were to have a regular duel, having chosen seconds, and repaired to the toll-bridge, on Ohio Street, for the engagement. A large crowd assembled to witness the scene. As soon as possible, Harris was on the spot, and took the belligerents to the watch-house to await the attention of Justice Vanderpool."

HALL, —. See *Leckie, Robert*.

HAMILTON, the Duke of, and Lord MOHUN. In Hyde Park, in 1713. This was a duel in which, as in France, the seconds engaged as well as the principals. Lord Mohun gave the challenge. The parties met on Sunday morning, November 15th, with swords. His Grace was accompanied by his kinsman, Colonel Hamilton; his Lordship by Lieutenant-General Macartney. Mohun was killed on the spot. The Duke died of his wounds, as his servants were carrying him from the field to his coach. Colonel Hamilton was wounded by Macartney, and surrendered himself in a few days. Macartney fled in disguise to the Continent, but finally returned to England, was tried for murder, and convicted of manslaughter.

It may not be possible to state the cause of this combat with entire accuracy. The two noblemen married ladies of the same family, and in the course of some proceedings in chancery relative to property to which their wives were co-heiresses, they quarrelled furiously. They differed also in politics. The Duke had just been appointed Ambassador to the Court of France, and was supposed to be deeply pledged to Queen Anne's plan for the restoration of her brother; while Mohun was in the counsels of the opposition. The Duke was regarded as the main

pillar of the cause of the Stuarts ; and in his fall, the Whigs, as is affirmed, saw the ruin of the hopes of that house to be certain. The family quarrel between him and Mohun furnished a *pretence* for a duel ; and his Lordship was purposely excited and irritated by his party, in order to bring about a hostile meeting.

The common account is, too, that his Grace was unfairly slain ; and upon the testimony of his second before the Privy Council, the accusation is well sustained ; for Colonel Hamilton declared upon his oath, that, seeing the Duke fall, he ran to his aid, when Macartney, who had been disarmed, seized a sword which was on the ground, and stabbed him over the Colonel's shoulder. To confirm this statement, a surgeon who examined the Duke's death-wound expressed the opinion that it could not have been inflicted by Lord Mohun.

Whatever the truth, the dispute as to the origin of the duel, and the manner of the Duke's death, entered into the politics of the time. The Tories, on the one hand, treated Macartney as a cowardly assassin ; and affirmed that the Whigs had posted other assassins all round the Park, to murder the Duke, in case he had slain Mohun, and escaped the treachery of Macartney. The Whigs, on the contrary, asserted that the combat was the result of a private difference ; and they not only acquitted Macartney, but contended that Colonel Hamilton's evidence was false, and was contradicted by the declarations of several persons who saw the duel at a distance.

HAMILTON, Colonel. See *Hamilton, Duke of*.

HAMILTON, General ALEXANDER, and AARON BURR, Vice-President of the United States. In New Jersey, at a place called *Weahawk*, July, 1804. This is the most memorable duel in our annals ; and the material facts connected with it, as found principally in *Coleman's Collection*, will be related with some minuteness, and, as is hoped, with accuracy. First in order, perhaps, is the correspondence which preceded the fatal meeting.

On the 18th of June, 1804, Colonel Burr addressed General Hamilton thus : —

"SIR, — I send for your perusal a letter signed Charles D. Cooper, which, though apparently published some time ago, has but very recently come to my knowledge. Mr. Van Ness, who does me the

favor to deliver this, will point out to you that clause of the letter to which I particularly request your attention.

"You must perceive, sir, the necessity of a prompt and unqualified acknowledgment or denial of the use of any expression which would warrant the assertions of Dr. Cooper."

Hamilton's reply bears date June 20th : —

"SIR, — I have maturely reflected on the subject of your letter of the 18th instant, and the more I have reflected, the more I have become convinced, that I could not, without manifest impropriety, make the avowal or disavowal which you seem to think necessary. The clause pointed out by Mr. Van Ness is in these terms: 'I could detail to you a *still more despicable* opinion which General Hamilton *has expressed* of Mr. Burr.' To endeavor to discover the meaning of this declaration, I was obliged to seek in the antecedent part of this letter for the opinion to which it referred, as having been already disclosed. I found it in these words: 'General Hamilton and Judge Kent have declared in *substance*, that they looked upon Mr. Burr to be a *dangerous man*, and one *who ought not to be trusted with the reigns of government*.'

"The language of Dr. Cooper plainly implies, that *he* considered this opinion of you which he attributes to me as a *despicable* one; but he affirms that I have expressed some other, *more despicable*, without, however, mentioning to whom, when, or where. 'Tis evident that the phrase, 'still more despicable,' admits of infinite shades, from very light to very dark. How am I to judge of the degree intended? or how shall I annex any precise idea to language so indefinite?"

"Between gentlemen, *despicable* and *more despicable* are not worth the pains of distinction: when, therefore, you do not interrogate me as to the opinion which is specifically ascribed to me, I must conclude, that you view it as within the limits to which the animadversions of political opponents upon each other may justifiably extend, and consequently as not warranting the idea of it which Dr. Cooper appears to entertain. If so, what precise inference could you draw, as a guide for your conduct, were I to acknowledge that I had expressed an opinion of you *still more despicable* than the one which is particularized? How could you be sure that even this opinion had exceeded the bounds which you would yourself deem admissible between political opponents?"

"But I forbear further comment on the embarrassment to which the requisition you have made naturally leads. The occasion forbids a more ample illustration, though nothing could be more easy than to pursue it.

"Repeating that I cannot reconcile it with propriety to make the acknowledgment or denial you desire, I will add, that I deem it inadmissible on principle to consent to be interrogated as to the justness of the *inferences* which may be drawn by others from whatever I may have said of a political opponent, in the course of fifteen years' competition. If there were no other objection to it this is sufficient, that it would

tend to expose my sincerity and delicacy to injurious imputations from every person who may at any time have conceived the *import* of my expressions differently from what I may then have intended, or may afterwards recollect. I stand ready to avow or disavow, promptly and explicitly, any precise or definite opinion which I may be charged with having declared of any gentleman. More than this cannot fitly be expected from me; and especially it cannot be reasonably expected that I shall enter into an explanation upon a basis so vague as that which you have adopted. I trust on more reflection you will see the matter in the same light with me. If not, I can only regret the circumstance and must abide the consequences.

"The publication of Dr. Cooper was never seen by me till after the receipt of your letter."

Burr rejoined on the 21st:—

"SIR,—Your letter of the 20th instant has been this day received. Having considered it attentively, I regret to find in it nothing of that sincerity and delicacy which you profess to value.

"Political opposition can never absolve gentlemen from the necessity of a rigid adherence to the laws of honor and the rules of decorum. I neither claim such privilege nor indulge it in others.

"The common sense of mankind affixes to the epithet adopted by Dr. Cooper the idea of dishonor. It has been publicly applied to me under the sanction of your name. The question is not, whether he has understood the meaning of the word, or has used it according to syntax, and with grammatical accuracy; but, whether you have authorized this application, either directly or by uttering expressions or opinions derogatory to my honor. The time 'when' is in your own knowledge, but no way material to me, as the calumny has now first been disclosed, so as to become the subject of my notice, and as the effect is present and palpable.

"Your letter has furnished me with new reasons for requiring a definite reply."

This letter was answered by Hamilton on the 22d:—

"SIR,—Your first letter, in a style too peremptory, made a demand, in my opinion, unprecedented and unwarrantable. My answer, pointing out the embarrassment, gave you an opportunity to take a less exceptionable course. You have not chosen to do it; but by your last letter received this day, containing expressions *indecorous* and improper, you have increased the difficulties to explanation intrinsically incident to the nature of your application.

"If by a 'definite reply' you mean the direct avowal or disavowal required in your first letter, I have no other answer to give, than that which has already been given. If you mean anything different, admitting of greater latitude, it is requisite you should explain."

These four letters embrace, it is believed, the whole of the

direct communications between the principals. The affair seems to have been submitted to friends at the earliest moment. Burr's two letters were delivered by W. P. Van Ness. Hamilton consulted Nathaniel Pendleton as soon as the 22d of June, at which time he informed him, that he had told Mr. Van Ness that he considered Burr's second communication "rude and offensive," and that, unless it were recalled, the only answer which it was possible for him to make was, that "Mr. Burr must take such steps as he might think proper"; and at parting Mr. Pendleton was intrusted with the General's letter of the 22d of June, which, in consequence of several conversations between Messrs. Van Ness and Pendleton, remained in the possession of the latter until the 25th, when, as we shall find, all hope of an adjustment of the difficulty was at an end. Meantime, Mr. Van Ness had addressed a note to General Hamilton, in which he stated that he had reported to Colonel Burr the result of their last interview, and in which he asked "when and where it would be most convenient to receive a communication."

It will be seen, therefore, that Colonel Burr resolved upon extreme measures before the General's letter of the 22d of June was delivered to him. It is important to remark, also, that, *prior* to parting with that letter, Mr. Pendleton read to Mr. Van Ness the following paper, as containing what General Hamilton was willing to concede : —

"General Hamilton says he cannot imagine to what Dr. Cooper may have alluded, unless it were to a conversation at Mr. Taylor's in Albany, last winter (at which he and General Hamilton were present). General Hamilton cannot recollect distinctly the particulars of that conversation so as to undertake to repeat them, without running the risk of varying or omitting what might be deemed important circumstances. The expressions are entirely forgotten, and the specific ideas imperfectly remembered; but to the best of his recollection it consisted of comments on the political principles and views of Colonel Burr, and the results that might be expected from them in the event of his election as Governor, without reference to any particular instance of past conduct, or to private character."

Again, *after* the delivery of General Hamilton's letter of June 22d, Mr. Pendleton gave Mr. Van Ness another paper, dictated in the same conciliatory spirit : —

"In answer to a letter properly adapted to obtain from General Hamilton a declaration whether he had charged Colonel Burr with any particular instance of dishonorable conduct, or had impeached his private character, either in the conversation alluded to by Dr. Cooper, or

in any other particular instance to be specified, he would be able to answer consistently with his honor, and the truth, in substance, that the conversation to which Dr. Cooper alluded turned wholly on political topics, and did not attribute to Colonel Burr any instance of dishonorable conduct, nor relate to his private character; and in relation to any other language or conversation of General Hamilton which Colonel Burr will specify, a prompt and frank avowal or denial will be given."

A correspondence now ensued between Messrs. Van Ness and Pendleton. On the 26th of June, the former wrote :—

"SIR,—The letter which you yesterday delivered me, and your subsequent communication, in Colonel Burr's opinion, evince no disposition on the part of General Hamilton to come to a satisfactory accommodation. The injury complained of and the reparation expected are so definitely expressed in Colonel Burr's letter of the 21st instant, that there is not perceived a necessity for further explanation on his part. The difficulty that would result from confining the inquiry to any particular times and occasions must be manifest. The denial of a specified conversation only would leave strong implications that on other occasions improper language had been used. When and where injurious opinions and expressions have been uttered by General Hamilton must be best known to him, and of him only will Colonel Burr inquire. *No denial or declaration will be satisfactory, unless it be general, so as to wholly exclude the idea that rumors derogatory to Colonel Burr's honor have originated with General Hamilton, or have been fairly inferred from anything he has said.* A definite reply to a requisition of this nature was demanded by Colonel Burr's letter on the 21st instant. This being refused, invites the alternative alluded to in General Hamilton's letter of the 20th.

"It was required by the position in which the controversy was placed by General Hamilton, on Friday (June 22d) last, and I was immediately furnished with a communication demanding a personal interview. The necessity of this measure has not, in the opinion of Colonel Burr, been diminished by the General's last letter, or any communication which has since been received. I am consequently again instructed to deliver you a message, as soon as it may be convenient for you to receive it. I beg therefore you will be so good as to inform me at what hour I can have the pleasure of seeing you."

Mr. Pendleton replied the same day :—

"SIR,—I have communicated the letter which you did me the honor to write to me, of this date, to General Hamilton. The expectations now disclosed on the part of Colonel Burr appear to him to have greatly extended the original ground of inquiry, and, instead of presenting a particular and definite case for explanation, seem to aim at nothing less than an inquisition into his most confidential conversations,



as well as others, through the whole period of his acquaintance with Colonel Burr.

"While he was prepared to meet the particular case fairly and fully, he thinks it inadmissible that he should be expected to answer at large as to everything that he may possibly have said, in relation to the character of Colonel Burr, at any time or upon any occasion. Though he is not conscious that any charges which are in circulation to the prejudice of Colonel Burr have originated with him, — except one which may have been so considered, and which has long since been fully explained between Colonel Burr and himself, — yet he cannot consent to be questioned generally as to any rumors which may be afloat derogatory to the character of Colonel Burr, without specification of the several rumors, many of them probably unknown to him. He does not, however, mean to authorize any conclusion as to the real nature of his conduct in relation to Colonel Burr, by his declining so loose and vague a basis of explanation, and he disavows an unwillingness to come to a satisfactory, provided it be an honorable, accommodation. His objection is, the very indefinite ground which Colonel Burr has assumed, in which he is sorry to be able to discern nothing short of predetermined hostility. Presuming, therefore, that it will be adhered to, he has instructed me to receive the message which you have it in charge to deliver. For this purpose I shall be at home and at your command to-morrow morning from eight to ten o'clock."

The final letter was from Mr. Van Ness, and dated June 27th : —

"SIR, — The letter which I had the honor to receive from you, under date of yesterday, states, among other things, that, in General Hamilton's opinion, Colonel Burr has taken a very indefinite ground, in which he evinces nothing short of predetermined hostility, and that General Hamilton thinks it inadmissible that the inquiry should extend to his confidential as well as other conversations. In this Colonel Burr can only reply, that secret whispers traducing his fame, and impeaching his honor, are at least equally injurious with slanders publicly uttered; that General Hamilton had, at no time, and in no place, a right to use any such injurious expressions; and that the partial negative he is disposed to give, with the reservations he wishes to make, are proofs that he has done the injury specified.

"Colonel Burr's request was, in the first instance, proposed in a form the most simple, in order that General Hamilton might give to the affair that course to which he might be induced by his temper and his knowledge of facts. Colonel Burr trusted with confidence, that, from the frankness of a soldier and the candor of a gentleman, he might expect an ingenuous declaration. That if, as he had reason to believe, General Hamilton had used expressions derogatory to his honor, he would have had the magnanimity to retract them; and that if, from his language, injurious inferences had been improperly drawn, he would have perceived the propriety of correcting errors, which might thus have been widely

diffused. With these impressions, Colonel Burr was greatly surprised at receiving a letter which he considered as evasive, and which in manner he deemed not altogether decorous. In one expectation, however, he was not wholly deceived, for the close of General Hamilton's letter contained an intimation that, if Colonel Burr should dislike his refusal to acknowledge or deny, he was ready to meet the consequences. This Colonel Burr deemed a sort of defiance, and would have felt justified in making it the basis of an immediate message. But as the communication contained something concerning the indefiniteness of the request, as he believed it rather the offspring of false pride than of reflection, and as he felt the utmost reluctance to proceed to extremities, while any other hope remained, his request was repeated in terms more explicit. The replies and propositions on the part of General Hamilton have, in Colonel Burr's opinion, been constantly in substance the same.

"Colonel Burr disavows all motives of predetermined hostility, a charge by which he thinks insult added to injury. He feels as a gentleman should feel when his honor is impeached or assailed; and without sensations of hostility or wishes of revenge, he is determined to vindicate that honor at such hazard as the nature of the case demands.

"The length to which this correspondence has extended only tending to prove that the satisfactory redress, earnestly desired, cannot be obtained, he deems it useless to offer any proposition except the simple message which I shall now have the honor to deliver."

A formal challenge accompanied the last letter of Mr. Van Ness, which Mr. Pendleton, in behalf of his principal, accepted. General Hamilton was still disposed to an accommodation; and impressed with the conviction that a contingency might occur, even then, in which an overture on his part would be proper, he submitted to the discretion of his friend the "*Remarks*" upon the letter of Mr. Van Ness of June 27th which follow:—

"Whether the observations on this letter are designed merely to justify the result which is indicated in the close of the letter, or may be intended to give an opening for rendering anything explicit which may have been deemed vague heretofore, can only be judged of by the sequel. At any rate it appears to me necessary not to be misunderstood. Mr. Pendleton is therefore authorized to say, that in the course of the present discussion, written or verbal, there has been no intention to evade, defy, or insult, but a sincere disposition to avoid extremities if it could be done with propriety. With this view General Hamilton has been ready to enter into a frank and free explanation on any and every object of a specific nature; but not to answer a general and abstract inquiry, embracing a period too long for any accurate recollection, and exposing him to unpleasant criticisms from, or unpleasant discussions with, any and every person who may have understood him in an unfavorable sense. This (admitting that he could answer in a manner the most satisfactory to Colonel Burr) he should deem inad-

missible, in principle and precedent, and humiliating in practice. To this therefore he can never submit. Frequent allusion has been made to slanders said to be in circulation. Whether they are openly or in whispers, they have a form and shape, and might be specified.

"If the alternative alluded to in the close of the letter is definitively tendered, it must be accepted; the time, place, and manner to be afterwards regulated. I should not think it right in the midst of a Circuit Court to withdraw my services from those who may have confided important interests to me, and expose them to the embarrassment of seeking other counsel, who may not have time to be sufficiently instructed in their causes. I shall also want a little time to make some arrangements respecting my own affairs."

This paper of "*Remarks*," in General Hamilton's own handwriting, was offered to Mr. Van Ness, but he declined to receive it, on the ground, "that he considered the correspondence as closed by the acceptance of the message that he had delivered."

The course of Colonel Burr's friend—without excuse—allowed no further attempt at reconciliation, and the final arrangements for the hostile meeting were completed. Possibly General Hamilton's first act of preparation was on the 4th of July, and a letter to his wife, to be placed in her hands in the event of his fall. In this he states that he had endeavored by all honorable means to avoid the duel, and that he should not survive; and he begs her forgiveness for the pain his death would cause her, and entreats her to bear her sorrows as one who placed a firm reliance on a kind Providence.

Colonel Trumbull mentions,\* that on the same day (July 4th) he dined with the Cincinnati of New York, that he met, among others, General Hamilton and Colonel Burr; that the singularity of their manner was observed by all, though few had any suspicion of the cause; that Burr was silent, gloomy, and sour; and that Hamilton entered with glee into all the gayety of a convivial party, and even sang an old military song.

On the 9th of July, Hamilton executed his will.

"In the name of God, amen. I, Alexander Hamilton, of the city of New York, Counsellor at Law, do make this my last will and testament, as follows:—

"First. I appoint John B. Church, Nicholas Fish, and Nathaniel Pendleton, of the city aforesaid, Esquires, to be executors and trustees of this my will; and I devise to them, their heirs and assigns, as joint tenants, and not as tenants in common, all my estate, real and personal, whatsoever and wheresoever, upon trust, at their discretion to sell and

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\* Autobiography, Reminiscences, and Letters, p. 244.

dispose of the same, at such time and times, in such manner, and upon such terms, as they, the survivors and survivor, shall think fit; and out of the proceeds to pay all the debts which I shall owe at the time of my decease; in whole, if the fund be sufficient; proportionably, if it shall be insufficient; and the residue, if any there shall be, to pay and deliver to my excellent and dear wife, Elizabeth Hamilton.

"Though, if it should please God to spare my life, I may look for a considerable surplus out of my present property; yet, if he should speedily call me to the eternal world, a forced sale, as is usual, may possibly render it insufficient to satisfy my debts. I pray God that something may remain for the maintenance and education of my dear wife and children. But should it, on the contrary, happen that there is not enough for the payment of my debts, I entreat my dear children, if they, or any of them, should ever be able, to make up the deficiency. I, without hesitation, commit to their delicacy a wish which is dictated by my own. — Though conscious that I have too far sacrificed the interests of my family to public avocations, and on this account have the less claim to burden my children, yet I trust in their magnanimity to appreciate as they ought this my request. In so unfavorable an event of things, the support of their dear mother, with the most respectful and tender attention, is a duty, all the sacredness of which they will feel. Probably her own patrimonial resources will preserve her from indigence. But in all situations they are charged to bear in mind, that she has been to them the most devoted and best of mothers."

General Hamilton's "remarks explanatory of his conduct, motives, and views," in meeting Colonel Burr, is the last document which remains to be inserted. It is in these words: —

"I was certainly desirous of avoiding this interview, for the most cogent reasons.

"1. My religious and moral principles are strongly opposed to the practice of duelling, and it would ever give me pain to be obliged to shed the blood of a fellow-creature in a private combat forbidden by the laws.

"2. My wife and children are extremely dear to me, and my life is of the utmost importance to them, in various views.

"3. I feel a sense of obligation towards my creditors; who, in case of accident to me, by the forced sale of my property may be in some degree sufferers. I did not think myself at liberty, as a man of probity, lightly to expose them to this hazard.

"4. I am conscious of no *ill-will* to Colonel Burr, distinct from political opposition, which, as I trust, has proceeded from pure and upright motives.

"Lastly, I shall hazard much, and can possibly gain nothing, by the issue of the interview.

"But it was, as I conceive, impossible for me to avoid it. There were *intrinsic* difficulties in the thing, and *artificial* embarrassments, from the manner of proceeding on the part of Colonel Burr.

"Intrinsic, because it is not to be denied, that my animadversions on the political principles, character, and views of Colonel Burr have been extremely severe; and on different occasions I, in common with many others, have made very unfavorable criticisms on particular instances of the private conduct of this gentleman.

"In proportion as these impressions were entertained with sincerity, and uttered with motives and for purposes which might appear to me commendable, would be the difficulty (until they could be removed by evidence of their being erroneous) of explanation or apology. The disavowal required of me by Colonel Burr, in a general and indefinite form, was out of my power, if it had really been proper for me to submit to be so questioned; but I was sincerely of opinion that this could not be, and in this opinion I was confirmed by that of a very moderate and judicious friend whom I consulted. Besides that, Colonel Burr appeared to me to assume, in the first instance, a tone unnecessarily peremptory and menacing, and in the second, positively offensive. Yet I wished, as far as might be practicable, to leave a door open to accommodation. This, I think, will be inferred from the written communications made by me and by my direction, and would be confirmed by the conversations between Mr. Van Ness and myself, which arose out of the subject.

"I am not sure whether, under all the circumstances, I did not go further in the attempt to accommodate, than a punctilious delicacy will justify. If so, I hope the motives I have stated will excuse me.

"It is not my design, by what I have said, to affix any odium on the conduct of Colonel Burr, in this case. He doubtless has heard of animadversions of mine which bore very hard upon him; and it is probable that, as usual, they were accompanied with some falsehoods. He may have supposed himself under a necessity of acting as he has done. I hope the grounds of his proceeding have been such as ought to satisfy his own conscience.

"I trust, at the same time, that the world will do me the justice to believe that I have not censured him on light grounds, nor from unworthy inducements. I certainly have had strong reasons for what I may have said, though it is possible that in some particulars I may have been influenced by misconstruction and misinformation. It is also my ardent wish that I may have been more mistaken than I think I have been, and that he, by his future conduct, may show himself worthy of all confidence and esteem, and prove an ornament and blessing to the country.

"As well because it is possible that I may have injured Colonel Burr, however convinced myself that my opinions and declarations have been well founded, as from my general principles and temper in relation to similar affairs, I have resolved, if our interview is conducted in the usual manner, and it pleases God to give me the opportunity, to *reserve and throw away* my first fire, and I *have thoughts* even of *reserving* my second fire, and thus giving a double opportunity to Colonel Burr to pause and to reflect.

"It is not, however, my intention to enter into any explanations on the ground. Apology, from principle, I hope, rather than pride, is out of the question.

"To those who, with me, abhorring the practice of duelling, may think that I ought on no account to have added to the number of bad examples, I answer, that my *relative* situation, as well in public as private, enforcing all the considerations which constitute what men of the world denominate honor, imposed on me (as I thought) a peculiar necessity not to decline the call. The ability to be in future useful, whether in resisting mischief or effecting good, in those crises of our public affairs which seem likely to happen, would probably be inseparable from a conformity with public prejudice in this particular.

"A. H."

The parties met on the Jersey shore, opposite the city of New York, at a place called Weahawk, on Wednesday morning, July 11th, at the early hour of seven o'clock. The particulars of the duel follow, in the words of the seconds, Messrs. Pendleton and Van Ness:—

"Colonel Burr arrived first on the ground, as had been previously agreed. When General Hamilton arrived the parties exchanged salutations, and the seconds proceeded to make their arrangements. They measured the distance, ten full paces, and cast lots for the choice of position, as also to determine by whom the word should be given, both of which fell to the seconds of General Hamilton. They then proceeded to load the pistols in each other's presence, after which the parties took their stations. The gentleman who was to give the word then explained to the parties the rules which were to govern them in firing, which were as follows: 'The parties being placed at their stations, the second who gives the word shall ask them whether they are ready; being answered in the affirmative, he shall say, *Present*; after this the parties shall present and fire *when they please*. If one fires before the other, the opposite second shall say, One, two, three, fire;—and he shall then fire, or lose his fire.' He then asked if they were prepared; being answered in the affirmative, he gave the word, *Present*, as had been agreed on, and both parties presented and fired in succession,—the intervening time is not expressed, as the seconds do not precisely agree on that point. The fire of Colonel Burr took effect, and General Hamilton almost instantly fell. Colonel Burr then advanced towards General Hamilton, with a manner and gesture that appeared to General Hamilton's friend to be expressive of regret, but without speaking turned about and withdrew, being urged from the field by his friend, as has been subsequently stated, with a view to prevent his being recognized by the surgeon and bargemen, who were then approaching. No further communication took place between the principals, and the barge that carried Colonel Burr immediately returned to the city. We conceive it proper to add, that the conduct of the parties in this interview was perfectly proper as suited the occasion."

Dr. David Hosack, the surgeon mutually agreed on to attend the parties, wrote an account of Hamilton's last moments, which was addressed to William Coleman, and is here inserted. It may be mentioned, that when the Doctor, at the call of Mr. Pendleton, hastened from his position on the field to the aid of Hamilton, he was compelled to pass Mr. Van Ness and Colonel Burr, and that Mr. Van Ness covered his friend with an umbrella, so that the Doctor should not see him, and be able to swear to his identity.

"To comply with your request is a painful task; but I will repress my feelings while I endeavor to furnish you with an enumeration of such particulars relative to the melancholy end of our beloved friend Hamilton, as dwell most forcibly on my recollection.

"When called to him, upon his receiving the fatal wound, I found him half sitting on the ground, supported in the arms of Mr. Pendleton. His countenance of death I shall never forget. He had, at that instant, just strength to say, 'This is a mortal wound, Doctor'; when he sank away, and became to all appearance lifeless. I immediately stripped up his clothes, and soon, alas! ascertained that the direction of the ball must have been through some vital part.\* His pulses were not to be felt; his respiration was entirely suspended; and upon laying my hand on his heart, and perceiving no motion there, I considered him as irrecoverably gone. I however observed to Mr. Pendleton, that the only chance for his reviving was immediately to get him upon the water. We therefore lifted him up, and carried him out of the wood, to the margin of the bank, where the bargemen aided us in conveying him into the boat, which immediately put off. During all this time I could not discover the least symptom of returning life. I now rubbed his face, lips, and temples with spirits of hartshorn, applied it to his neck and breast, and to the wrists and palms of his hands, and endeavored to pour some into his mouth. When we had got, as I should judge, about fifty yards from the shore, some imperfect efforts to breathe were for the first time manifest; in a few minutes he sighed, and became sensible to the impression of the hartshorn, or the fresh air of the water. He breathed; his eyes, hardly opened, wandered without fixing upon any objects; to our great joy he at length spoke: 'My vision is

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\* "For the satisfaction of some of General Hamilton's friends, I examined his body after death, in presence of Dr. Post and two other gentlemen. I discovered that the ball struck the second or third false rib, and fractured it about in the middle; it then passed through the liver and diaphragm, and, as nearly as we could ascertain without a minute examination, lodged in the first or second lumbar vertebra. The vertebra in which it was lodged was considerably splintered, so that the spiculæ were distinctly perceptible to the finger. About a pint of clotted blood was found in the cavity of the belly, which had probably been effused from the divided vessels of the liver."

indistinct,' were his first words. His pulse became more perceptible; his respiration more regular; his sight returned. I then examined the wound to know if there was any dangerous discharge of blood. Upon slightly pressing his side, it gave him pain; on which I desisted. Soon after recovering his sight, he happened to cast his eye upon the case of pistols, and observing the one that he had had in his hand lying on the outside, he said, 'Take care of that pistol; it is undischarged, and still cocked; it may go off and do harm;—Pendleton knows (attempting to turn his head towards him) that I did not intend to fire at him.' 'Yes,' said Mr. Pendleton, understanding his wish, 'I have already made Dr. Hosack acquainted with your determination as to that.' He then closed his eyes and remained calm, without any disposition to speak; nor did he say much afterwards, excepting in reply to my questions as to his feelings. He asked me once or twice how I found his pulse; and he informed me that his lower extremities had lost all feeling; manifesting to me that he entertained no hopes that he should long survive. I changed the posture of his limbs, but to no purpose; they had totally lost their sensibility. Perceiving that we approached the shore, he said, 'Let Mrs. Hamilton be immediately sent for;—let the event be gradually broken to her; but give her hopes.' Looking up we saw his friend, Mr. Bayard, standing on the wharf in great agitation. He had been told by his servant that General Hamilton, Mr. Pendleton, and myself had crossed the river in a boat together, and too well he conjectured the fatal errand, and foreboded the dreadful result. Perceiving, as we came nearer, that Mr. Pendleton and myself only sat up in the stern sheets, he clasped his hands together in the most violent apprehension. But when I called to him to have a cot prepared, and he at the same moment saw his poor friend lying in the bottom of the boat, he threw up his eyes and burst into a flood of tears and lamentation. Hamilton alone appeared tranquil and composed. We then conveyed him as tenderly as possible up to the house. The distresses of this amiable family were such, that, till the first shock was abated, they were scarcely able to summon fortitude enough to yield sufficient assistance to their dying friend.

"Upon our reaching the house he became more languid, occasioned, probably, by the agitation of his removal from the boat. I gave him a little weak wine and water. When he recovered his feelings, he complained of pain in his back. We immediately undressed him, laid him in bed, and darkened the room. I then gave him a large anodyne, which I frequently repeated. During the first day he took upwards of an ounce of laudanum; and tepid anodyne fomentations were also applied to those parts nearest the seat of his pain. Yet were his sufferings, during the whole of the day, almost intolerable.\* I had not the

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\* "As his habit was delicate, and had been lately rendered more feeble by ill health, particularly by a disorder of the stomach and bowels, I carefully avoided all those remedies which are usually indicated on such occasions."



shadow of a hope of his recovery, and Dr. Post, whom I requested might be sent for immediately on our reaching Mr. Bayard's house, united with me in this opinion. General Rey, the French Consul, also had the goodness to invite the surgeons of the French frigates in our harbor, as they had had much experience in gun-shot wounds, to render their assistance. They immediately came; but to prevent his being disturbed I stated to them his situation, described the nature of his wound and the direction of the ball, with all the symptoms that could enable them to form an opinion as to the event. One of the gentlemen then accompanied me to the bedside. The result was a confirmation of the opinion that had already been expressed by Dr. Post and myself.

"During the night, he had some imperfect sleep; but the succeeding morning his symptoms were aggravated, attended, however, with a diminution of pain. His mind retained all its usual strength and composure. The great source of his anxiety seemed to be in his sympathy with his half-distracted wife and children. He spoke to me frequently of them. 'My beloved wife and children,' were always his expressions. But his fortitude triumphed over his situation, dreadful as it was; once, indeed, at the sight of his children, brought to the bedside together, seven in number, his utterance forsook him; he opened his eyes, gave them one look, and closed them again, till they were taken away. As a proof of his extraordinary composure of mind, let me add, that he alone could calm the frantic grief of their mother. '*Remember, my Eliza, you are a Christian,*' were the expressions with which he frequently, with a firm voice, but in a pathetic and impressive manner, addressed her. His words, and the tone in which they were uttered, will never be effaced from my memory. At about two o'clock, as the public well know, he expired.

'Incorrupta fides — nudaque veritas  
Quando ullum invenient parem?  
Multis ille quidem flebilis occidit.'

General Hamilton was visited, after the duel, by two distinguished clergymen of New York, Bishop Moore, and the Rev. Dr. Mason, who also addressed communications to Mr. Coleman, on the subject of their interviews. The Bishop wrote:—

"Yesterday morning, immediately after he was brought from Hoboken to the house of Mr. Bayard, at Greenwich, a message was sent informing me of the sad event, accompanied by a request from General Hamilton, that I would come to him for the purpose of administering the holy communion. I went; but being desirous to afford time for serious reflection, and conceiving that, under existing circumstances, it would be right and proper to avoid every appearance of precipitancy in performing one of the most solemn offices of our religion, I did not then comply with his desire. At one o'clock I was again called on to visit him. Upon my entering the room and approaching his bed, with the utmost calmness and composure he said, 'My dear sir, you perceive

my unfortunate situation, and no doubt have been made acquainted with the circumstances which led to it. It is my desire to receive the communion at your hands. I hope you will not conceive there is any impropriety in my request.' He added, 'It has for some time past been the wish of my heart, and it was my intention to take an early opportunity of uniting myself to the Church, by the reception of that holy ordinance.' I observed to him, that he must be very sensible of the delicate and trying situation in which I was then placed; that however desirous I might be to afford consolation to a fellow-mortal in distress, still, it was my duty as a minister of the Gospel to hold up the law of God as paramount to all other law; and that therefore, under the influence of such sentiments, I must unequivocally condemn the practice which had brought him to his present unhappy condition. He acknowledged the propriety of these sentiments, and declared that he viewed the late transaction with sorrow and contrition. I then asked him, 'Should it please God to restore you to health, sir, will you never be again engaged in a similar transaction? and will you employ all your influence in society to discountenance this barbarous custom?' His answer was, 'That, sir, is my deliberate intention.'

"I proceeded to converse with him on the subject of his receiving the communion; and told him that, with respect to the qualifications of those who wished to become partakers of that holy ordinance, my inquiries could not be made in language more expressive than that which was used by our Church: 'Do you sincerely repent of your sins past? Have you a lively faith in God's mercy through Christ, with a thankful remembrance of the death of Christ? And are you disposed to live in love and charity with all men?' He lifted up his hands and said: 'With the utmost sincerity of heart I can answer those questions in the affirmative. I have no ill-will against Colonel Burr. I met him with a fixed resolution to do him no harm. I forgive all that happened.' I then observed to him, that the terrors of the Divine law were to be announced to the obdurate and impenitent, but that the consolations of the Gospel were to be offered to the humble and contrite heart; that I had no reason to doubt his sincerity, and would proceed immediately to gratify his wishes. The communion was then administered, which he received with great devotion, and his heart afterwards appeared to be perfectly at rest. I saw him again this morning, when, with his last faltering words, he expressed a strong confidence in the mercy of God through the intercession of the Redeemer. I remained with him until two o'clock this afternoon, when death closed the awful scene. He expired without a struggle, and almost without a groan.

"By reflecting on this melancholy event, let the humble believer be encouraged ever to hold fast that precious faith which is the only source of true consolation in the last extremity of nature. Let the infidel be persuaded to abandon his opposition to that Gospel which the strong, inquisitive, and comprehensive mind of a HAMILTON embraced, in his last moments, as the truth from heaven. Let those who are disposed to justify the practice of duelling be induced, by this simple narrative,

to view with abhorrence that custom which has occasioned an irreparable loss to a worthy and most afflicted family ; which has deprived his friends of a beloved companion, his profession of one of its brightest ornaments, and his country of a great statesman and a real patriot."

Dr. Mason's letter was written in consequence of the appearance in the *Commercial Advertiser* of an imperfect account of his conversation with General Hamilton, the day previous to his decease. He said : —

"On the morning of Wednesday, the 11th instant, shortly after the rumor of the General's injury had created an alarm in the city, a note from Dr. Post informed me that 'he was extremely ill at Mr. William Bayard's, and expressed a particular desire to see me as soon as possible.' I went immediately. The exchange of melancholy salutation, on entering the General's apartment, was succeeded by a silence which he broke by saying, that he 'had been anxious to see me, and have the sacrament administered to him ; and that this was still his wish.' I replied, that 'it gave me unutterable pain to receive from him any request to which I could not accede ; that, in the present instance, a compliance was incompatible with all my obligations, as it is a principle in our churches never to administer the Lord's supper privately to any person under any circumstances.' He urged me no further. I then remarked to him, that the Holy Communion is an exhibition and pledge of the mercies which the Son of God has purchased ; that the absence of the sign does not exclude from the mercies signified ; which were accessible to him by faith in their gracious Author.' 'I am aware,' said he, 'of that. It is only as a sign that I wanted it.' A short pause ensued. I resumed the discourse, by observing that 'I had nothing to address to him in his affliction, but that same *gospel of the grace of God*, which it is my office to preach to the most obscure and illiterate ; that in the sight of God all men are on a level, as *all have sinned, and come short of his glory* ; and that they must apply to him for pardon and life, as *sinners*, whose only refuge is in his *grace reigning by righteousness through our Lord Jesus Christ*.' 'I perceive it to be so,' said he ; 'I am a sinner : I look to his mercy.' I then adverted to the infinite merit of the Redeemer, as the *propitiation for sin*, the sole ground of our acceptance with God ; the sole channel of his favor to us ; and cited the following passages of Scripture : '*There is no other name given under heaven among men, whereby we must be saved, but the name of Jesus. He is able to save them to the uttermost who come unto God by him, seeing he ever liveth to make intercession for them. The blood of Jesus Christ cleanseth from all sin.*' This last passage introduced the affair of the duel, on which I reminded the General, that he was not to be instructed as to its moral aspect ; that *the precious blood of Christ* was as effectual and as necessary to wash away the transgression which had involved him in suffering, as any other transgression ; and that he must there, and there alone, seek peace for his conscience, and a hope that should '*not make him ashamed.*' He assented, with strong emotion, to these representa-

tions, and declared his abhorrence of the whole transaction. 'It was always,' added he, 'against my principles. I used every expedient to avoid the interview; but I have found, for some time past, that my life *must* be exposed to that man. I went to the field determined not to take *his* life.' He repeated his disavowal of all intention to hurt Mr. Burr; the anguish of his mind in recollecting what had passed; and his humble hope of forgiveness from his God. I recurred to the topic of the Divine compassion; the freedom of pardon in the Redeemer Jesus to perishing sinners. 'That grace, my dear General, which brings salvation, is rich, rich —' 'Yes,' interrupted he, 'it is *rich* grace.' 'And on that grace,' continued I, 'a sinner has the highest encouragement to repose his confidence, because it is tendered to him upon the surest foundation; the Scripture testifying that *we have redemption through the blood of Jesus, the forgiveness of sins according to the richness of his grace.*' Here the General, letting go my hand, which he had held from the moment I sat down at his bedside, clasped his hands together, and, looking up towards heaven, said, with emphasis, 'I have a tender reliance on the mercy of the Almighty, through the merits of the Lord Jesus Christ.' He replaced his hand in mine, and, appearing somewhat spent, closed his eyes. A little after, he fastened them on me, and I proceeded. 'The *simple* truths of the Gospel, my dear sir, which require no abstruse investigation, but faith in the veracity of God, who cannot lie, are best suited to your present condition, and they are full of consolation.' 'I feel them to be so,' replied he. I then repeated these texts of Scripture: '*It is a faithful saying, and worthy of all acceptance, that Christ Jesus came into the world to save sinners, and of sinners the chief. I, even I, am he that blotteth out thy transgressions for mine own sake, and will not remember thy sins. Come now, and let us reason together, saith the Lord; though your sins be as scarlet, they shall be white as snow; though they be red like crimson, they shall be as wool.*' 'This,' said he, 'is my support. Pray for me.' 'Shall I pray with you?' 'Yes.' I prayed with him, and heard him whisper as I went along; which I supposed to be his concurrence with the petitions. At the conclusion he said, 'Amen. God grant it.'

"Being about to part with him, I told him, 'I had one request to make.' He asked what it was. I answered, 'that, whatever might be the issue of his affliction, he would give his testimony against the practice of duelling.' 'I will,' said he, 'I have done it. If *that*,' evidently anticipating the event, 'if *that* be the issue, you will find it in writing. If it please God that I recover, I shall do it in a manner which will effectually put me out of its reach in future.' I mentioned, once more, the importance of renouncing every other dependence for the eternal world, but the mercy of God in Christ Jesus; with a particular reference to the catastrophe of the morning. The General was affected, and said, 'Let us not pursue the subject any further, it agitates me.' He laid his hands upon his breast, with symptoms of uneasiness, which indicated an increased difficulty of speaking. I then took my leave. He pressed my hand affectionately, and desired to see me again at a proper interval. As I was retir-

ing, he lifted up his hands in the attitude of prayer, and said feebly, 'God be merciful to ——.' His voice sunk, so that I heard not the rest distinctly, but understood him to quote the words of the publican in the Gospel, and to end the sentence with 'me, a sinner.'

I saw him a second time on the morning of Thursday; but from his appearance, and what I had heard, supposing that he could not speak without severe effort, I had no conversation with him. I prayed for a moment at his bedside, in company with his overwhelmed family and friends; and for the rest, was one of the mourning spectators of his composure and dignity in suffering. His mind remained in its former state: and he viewed with calmness his approaching dissolution. I left him between twelve and one, and at two, as the public know, he breathed his last."

The intelligence of Hamilton's fall paralyzed the country. He was the disciple who had leaned upon Washington's bosom. His remains were interred in the family vault, Trinity Churchyard, New York, on Saturday, July 14th. The funeral procession was immense. The streets were lined with people, and even the house-tops were covered with spectators, who had thronged to the city to witness the melancholy ceremonies.

Gouverneur Morris delivered an extemporary funeral oration on a stage erected in the portico of Trinity Church, in presence of the assembled thousands. Four of General Hamilton's sons, the eldest about sixteen, and the youngest about six years of age, were seated near the orator, who concluded in these words:—

"You all know how he perished. On this last scene, I cannot, I must not dwell. It might excite emotions too strong for your better judgment. Suffer not your indignation to lead to any act which might again offend the insulted majesty of the law; on his part, as from his lips, though with my voice,—for his voice you will hear no more,—let me entreat you to respect yourselves.

"And now, ye ministers of the everlasting God, perform your holy office, and commit these ashes of our departed brother to the bosom of the grave!"

The reader cannot have failed to notice, that, in the correspondence between Burr and Hamilton which preceded the duel, the cause of offence is stated to consist in certain expressions uttered by the latter in the presence of Dr. Cooper. But we are not to limit General Hamilton's animadversions to a single case or occasion, since he himself admits, in the paper which contains his *Remarks* explanatory of his motives and views, that his unfavorable criticisms had been frequent and severe. Reference to the published correspondence\* of Hamilton will show, that as early

\* Works, Vol. V. p. 529.

as the year 1792, or twelve years previous to the fatal meeting, he expressed himself thus : —

“Mr. Burr’s integrity as an individual is not unimpeached. As a public man, he is one of the worst sort,—a friend to nothing but as suits his interest and ambition. Determined to climb to the highest honors of the state, and as much higher as circumstances may permit, he cares nothing about the means of effecting his purpose. ’Tis evident that he aims at putting himself at the head of what he calls the ‘popular party,’ as affording the best tools for an ambitious man to work with.— Secretly turning liberty into ridicule, he knows as well as most men how to make use of the name. In a word, if we have an embryo Cæsar in the United States, ’tis Burr.”

These general sentiments were repeated subsequently, in the same year, in two other letters to distinguished men of the time. And besides, it is fair to presume from other facts, — which I have not room to cite, — that the relations between the two gentlemen were never intimate or confidential, at any period. They entertained different sentiments towards the illustrious Commander-in-chief, in the Revolution, and were original leaders of opposite political parties in New York, at the peace and ever afterwards. It was not strange, that two such men should come to an open rupture. Nor can we wonder that Burr should have demanded “satisfaction,” according to the duello. But we have a right to condemn Hamilton for accepting the call. He was not a duellist. True, in his youth (1778) he acted as second in the combat between Colonel Laurens and General Lee ; but we have his express declaration, in the *Remarks* just referred to, that “his religious and moral principles were strongly opposed to the practice of duelling.” He met his antagonist, who, in his judgment, was a corrupt man, — for what ? Because, to use his own words, “his relative situation, as well in public as private,” imposed upon him, as he thought, “a peculiar necessity not to decline” ; and because, regarding “what men of the world denominate honor,” he considered that “his ability to be in future useful, whether in resisting mischief or effecting good, in those crises of our public affairs which seem likely to happen, would probably be inseparable from a conformity with public prejudice in this particular.” He violated, then, his religious and moral principles, rather than not conform to “public prejudice.”

Hamilton, — in the deepest sorrow be it uttered, — though one of the illustrious of the world, and to live for ever in our annals, was hardly less than a suicide. When dying, he declared,

that "he had found, for some time past, that his life *must* be exposed" to Burr; and yet he resolved to go out and be shot down, without remonstrance or resistance. This is undeniably true. Without remonstrance, — for "explanation on the ground" was, he said, "out of the question." Without resistance, — for he affirmed, in his last hours, to Dr. Hosack, that "Pendleton knew that he did not intend to fire at" Burr, — to Bishop Moore, that "he met him with a fixed resolution to do him no harm," — and to Dr. Mason, that "he went to the field determined not to take his life."

An examination of the course of his opponent allows us, after the lapse of half a century, to repeat an emphatic remark of the time, that he was a victim to "a long meditated and predetermined system of hostility on the part of Mr. Burr, and his confidential advisers."

Burr arrived first at the lonely spot designated, and, calmly divesting himself of his coat, cleared away the bushes, limbs of trees, and other obstructions; and in the combat raised his arm slowly, and took deliberate and fatal aim. Nothing but Hamilton's death would satisfy him. When abroad, and in 1808, he gave Jeremy Bentham an account of the duel, and said, "*he was sure of being able to kill him*"; and "so," records Bentham, "*I thought it little better than a murder.*" Posterity will not be likely to disturb the judgment of the British philosopher.

HANDEL, GEORGE FREDERIC, and M. MATHESON. In 1704, at Hamburg, with swords. The immortal author of the *Messiah*, and Matheson, the composer, were friends. A breach of etiquette, during the performance of the latter's opera of *Cleopatra*, produced a quarrel which terminated in a duel. Matheson's weapon broke against one of his adversary's buttons, which put an end to the combat.

HARDING, HENRY. See *Barrington, Sir Jonah*.

HAROLD, the last Saxon king of England. See *William the Conqueror*.

HARRIS, JOHN S., and MR. RUGGLES. In 1852, at Atlanta. The first a lawyer, the latter an editor. Neither harmed.

HARVEY, "TOM." See *Bunbury, Reverend Sir William*.

HASTINGS, SIR THOMAS, Admiral in the British Navy. Challenge, in 1850, to Richard Cobden, member of Parliament. The Admiral, before a committee of Parliament, (of which Cobden

was a member,) made some remarks relative to a large appropriation of money for the naval service, which his friends suppressed, on the ground that they were not proper for the public eye, and would be injurious to the Admiral himself. Mr. Cobden, however, mentioned the circumstance to Mr. Bright, who related it in a speech at Manchester. The orator, required to give his authority, named his informant. Mr. Cobden was asked to retract. He declined, and was invited to single combat. He declined this also, and published the whole affair.

HASTINGS, WARREN, Governor-General of British India, and SIR PHILIP FRANCIS, one of the supposed authors of Junius. In India, in 1783. Sir Philip was a member of the Governor's Council. The two gentlemen had long hated one another, but had been induced by mutual friends to come to an apparent reconciliation. It would seem from the account of the Governor, that Sir Philip violated his pledges almost immediately, for the former said in July, 1783, "I do not trust to his promise of candor, convinced that he is incapable of it. I judge of his public conduct by my experience of his private, which I find to be void of truth and honor." This accusation produced a challenge from Sir Philip, which Hastings accepted. Sir Philip was severely wounded, and returned to England.

HAWKINS, S. M., an officer of the 97th regiment, foot, British army, and Lord Viscount MALDEN. In England, 1851. His Lordship seduced the wife of Hawkins. The seconds, E. L. Denys and Captain Brownrigg. Lord Malden received the fire of his adversary, and discharged his own pistol in the air.

HAWKINS, —. See *Dowdigan*.

HAYES, THOMAS, and JOHN NUGENT. In California, in 1853, with pistols. Hayes, an assistant alderman of San Francisco; Nugent, editor of the *Herald*. Nugent gave the challenge in consequence of a card which Hayes published in the *Whig*. Nugent was dangerously wounded at the second fire.

HAYES, —, Solicitor. See *Bric*, —.

H., a Captain, and S., a Lieutenant, of the first Massachusetts regiment, in the war of the Revolution. In 1782. Thatcher relates the story thus: —

"Captain H. was esteemed a man of modest merit and unexceptionable character; he had long commanded a company, and proved himself brave in the field, and a good disciplinarian. Lieutenant S., though a good active officer, is assuming, high-spirited, and values himself on



what he deems the principles of honor and the gentleman. He aspersed the character of Captain H. with unfounded calumnies. Friends interposed, and a reconciliation was apparently made. Lieutenant S., however, retained his old grudge, and renewed his slanders. Captain H., contrary to his principles, felt compelled to fight. He obtained a furlough, visited his friends in Massachusetts, made his will, and arranged his worldly affairs. They met, and Captain H. received a mortal wound, and died in three hours. His friends endeavored to bring Lieutenant S. to punishment by legal process; but he drew his sword upon the sheriff who came to arrest him, and the civil officer retired. But Lieutenant S. was punished by public sentiment. In 1786 a regiment was raised in Massachusetts for an Indian expedition, and though Lieutenant S. was one recommended for a commission by several general officers, the Governor and Council rejected his application with disdain."

HEATH, JOHN, captain of marines, and OLIVER H. PERRY, post-captain in the navy of the United States. In New Jersey, near the city of New York, in 1818. The quarrel arose while the two officers were in the Mediterranean, in 1815. Perry, in referring to it, said, "I did, in a moment of irritation, produced by strong provocation, raise my hand against a person honored with a commission." A court-martial followed the difficulty, and both were privately reprimanded by Commodore Chauncey, who commanded the American squadron in that sea. Some time after their return to the United States, Heath sent a challenge. Perry, in remarking upon his course in the combat, declared, "I cannot consent to return his fire, as the meeting on my part will be entirely as an atonement for the violated rules of the service." Heath fired and missed. Perry, in accordance with his determination, discharged his pistol in the air; and Decatur, his second, then effected an adjustment.

HECKERNAN, Baron de. See *Pouchkin*, —.

HENLEY, ROBERT, Lord Northington. See *Reeve*, *Zephaniah*.

HENDERSON, W., and H. MORGAN. In Georgia, in 1851, with rifles. Two shots were exchanged. The parties retired friends.

HENNIS, —, and SIR JOHN JEFFCOTT. In England, in 1833. Hennis, a physician; Sir John, chief judge of the vice-admiralty court, Sierra Leone. Hennis was mortally wounded. Sir John absconded. The seconds were tried and acquitted.

HENRIQUEZ, —. See *Phillips*, *Charles*.

HENRY IV., King of England, and THOMAS MOWBRAY, Duke of Norfolk, Earl Marshal of England. In England, year 1397, reign of Richard II., and while Henry was Duke of Hereford. The

two dukes, embroiled in a mortal quarrel, arranged under the royal sanction a trial of combat, with all the preliminary forms and solemnities of the time. The parties, with their retinues, most of the peers of the realm, and about ten thousand other persons, repaired to the place appointed for the duel, when King Richard put an end to the proceedings, and proclaimed sentence of banishment against the noble combatants, who departed the kingdom accordingly. Norfolk soon died at Venice. Hereford having succeeded to the title of Duke of Lancaster, returned to England in 1399, drove Richard from the throne, and was himself crowned as Henry IV., on the second anniversary of the day on which he went into banishment. The civil wars between the houses of York and Lancaster followed. The arrangements for the combat between Norfolk and Hereford are related in Shakespeare's best manner in *Richard II.* (For further particulars of Henry IV., see *Orleans, Duke of*, and also *Rothsay, Duke of*.)

HENRY V., of England. Challenge, in 1414, to the Dauphin of France. Henry claimed the crown of France, as heir of Isabella, daughter of Philip V. The Dauphin, in derision, sent him some tennis-balls, thinking him fitter for play than war. Henry, a few months afterwards, sent a challenge to the Dauphin, to decide by single combat the difference between them as to the throne of France. No answer was returned.

HERBERT, Lord. In England, year 1606. A gentleman of the bed-chamber of James I. seized and bore away the "top-knot" of Mary Middlemore, a damsel of the court. Lord Herbert demanded the prize, and was refused; he thereupon seized the aggressor by the throat and nearly strangled him. They were parted by friends, lest they should incur the penalty of losing their hands, by blows in the palace. But they exchanged a cartel to fight unto death in Hyde Park. James interfered, and sent both to the Tower for a month.

HERRIES, Lord. See *Lindsay, Lord*.

HERVEY, Lord. See *Bath, William Pultney, Earl of*.

HESTER, HON. D., and DR. GREEN. At or near Shreveport, in 1849 or early in 1850. Both killed.

HICKEY, Colonel, and JOSEPH MOSES. Near the Rio Grande, in 1849. Hickey, who was formerly editor of the *Vicksburg Sentinel*, was killed.

HILL, REV. MR., and CORNET GARDNER. In England, 1764. The clergyman was slain.

HILLAS, Major, and — FENTON. In Ireland, I suppose in 1812. Hillas was killed. He said on the ground to the bystanders: "I am sorry the mistaken laws of honor oblige me to come here to defend myself; and I declare to God, I have no animosity to man or woman on the face of the earth." The cause of this duel does not very clearly appear; but the Major had given offence by "his humane efforts to protect the shipwrecked." Fenton was tried for murder. Judge Fletcher presided, and in his summing up to the jury thus spoke: —

"Gentlemen, it is my business to lay down the law to you, and I will. The law says the killing a man in a duel is murder, and I am bound to tell you it is murder; therefore, in the discharge of my duty, I tell you so; but I tell you at the same time, *a fairer duel* than this I never heard of in the whole *coorse* of my life."

HOLLAND, Lord, and Lord WESTON. In England, about 1633. Lord Weston was resident ambassador of Charles I. at Paris. The Queen, Henrietta Maria, a French princess, intrusted some letters to her mother and relatives in France to Lord Holland for transmission; but they fell into the hands of Lord Weston, who returned them to Charles. The two noblemen became involved in a quarrel. Charles justified Lord Weston, and placed Lord Holland under arrest, for offering "to fight the ambassador to the death."

HOLMAN, Captain. See *Shrewsbury, Earl of*.

HOOLE, R. A., and ALEXANDER J. DALLAS. In 1851. The parties differed at the National Hotel, Washington, and in consequence arranged a meeting at Bladensburg. They were arrested at or near the spot selected, and held to keep the peace.

HOPE, JAMES, and J. P. JONES. In Virginia, 1849. Both wounded, the former dangerously. It is stated that Mr. Jones, who is a midshipman in the navy, used the pistol that killed Commodore Decatur.

HOPKINS, —, and MR. TAYLOR. In California, 1851. The parties were officers of the customs; the first a deputy collector, the latter an inspector. A difficulty arose between them which they agreed to settle with pistols at Benicia. Mr. Taylor was,

however, arrested by the civil authorities, and put under bonds to keep the peace.

HOPKINS, EDWARD, of Maryland, and ———. In 1814, near Bladensburg. Hopkins was an ensign of infantry in the army of the United States, and was killed.

HORATII, the, and the CURIATII. In the 87th year of Rome, and 667 years B. C. In the war between the Romans and the Albans. The general in command of the forces of the latter proposed to the King of Rome to refer the destiny of both people to three combatants on each side, and that empire should be the prize of the conquering party. The overture was accepted. The Roman champions were the three Horatii; those of Alba, the three Curiatii. In the duel which followed, five were slain. Horatius, the survivor, saved Rome. On his return to the city in triumph, he met his sister, the destined spouse of one of the Curiatii; and enraged at the manifestations of her grief for her loss, he slew her with his sword. "Begone to thy lover," said he, "and carry him that degenerate passion which makes thee prefer a dead enemy to the glory of thy country." Horatius was seized, tried, and condemned to die, for the murder. He appealed from the tribunals to the people, who, superior to the laws, commuted his punishment to passing under the yoke, and at the same time decreed him a trophy.

——, ———. Challenge to HON. SAM HOUSTON, late President of Texas, and now a Senator in Congress from that State. I introduce the name of this distinguished gentleman, to place on record in these pages his sentiments on the subject of personal combat, as found in a speech delivered by him in the Senate, July 15th, 1854. It appears that Commodore E. W. Moore, of the Texan navy, had addressed him a letter, in which he stated that he would have demanded of him,

"That redress which one gentleman has a right to expect from another who has abused, vilified, and misrepresented him, as you have me on so many occasions, in public bar-rooms, in the streets, and even in the presence of ladies, but for the well-known fact that you have refused to render satisfaction to General Lamar, Judge Burnett, and Dr. Archer, for gross and flagrant acts of injustice which you have done them," &c., &c.

This letter was dated in 1845, but Mr. Houston had not received it, nor had he any knowledge of it, until a very recent day, when it was found among some public papers furnished by the Commodore to Mr. Pearce, Senator from Maryland. In com-

menting upon it he said that he had "never had a correspondence with General Lamar, or Mr. Archer, or a quarrel with either of the three named"; though he had received a verbal challenge from one of them, which he declined. It was sent on Saturday night, and proposed a meeting the next day.

"I objected to it," he remarked, "first, on the ground that we were to have but one second, and that was the man who brought the challenge. Another objection was, that we were to meet on Sunday morning, and that I did not think anything was to be made by fighting on that day. The third objection was, that he was a good Christian, and had had his child baptized the Sunday before. The fourth was, that I never fought down hill, and I never would. I must, at least, make character, if I did not lose my life; and therefore I notified him in that way. He seemed to be satisfied with this good-humored answer, and it is the only challenge I have ever received in Texas."

Mr. Houston, in a previous part of his speech, observed:—

*"I will avail myself of this occasion now to declare that I never made a quarrel with a mortal man on earth; nor will I ever do anything to originate a quarrel with any man, woman, or child living. If they quarrel with me, it is their privilege: but I shall try to take care that they do me no harm."*

HOWARD, SAMUEL, and JOSEPH WELCHER. In Georgia, 1803. The parties were members of the city council, Savannah, and a dispute arose in that body. Howard dangerously wounded. The seconds, George M. Troup, who was subsequently Governor of Georgia, and George D. Sweet.

HOWARD, LORD BERNARD. See *Shrewsbury, Earl of*.

HOWDEN, LORD. See *Soule, Pierre*.

HUBERT, NUMA. See *Hunt, George T.*

HUGHES, JAMES, and MR. TUCKER. In Virginia, 1803. Hughes killed; Tucker wounded.

HUMBERSTON, Major. See *Fox, Charles James*.

HUNT, GEORGE T., and NUMA HUBERT. In California, in 1854, with pistols, ten paces. The former, ex-member of the legislature; the latter, late of the army. In consequence of a difficulty at the theatre, San Francisco. Hunt was mortally wounded at the third fire.

HUNT, THOMAS. See *Frost, John William*.

HUNTER, CHARLES G. See *Miller, William, Jr.*

**HUNTER, WILLIAM, and DAVID B. MITCHELL.** In Georgia, 1802. Both citizens of Savannah; the former, under the administration of Mr. Adams, navy agent of that port. They fought with pistols, at ten paces, to advance two paces at each fire. At the first shot, Mitchell missed; Hunter's ball struck in Mitchell's side, but stopped in a fold of his shirt. At the second fire, Mitchell was again hit full in the thigh, but the ball again failed to penetrate; Hunter was shot through the heart, and died on the spot.

**HURLEY, CATHARINE.** See *Hall, Jane*.

**HUSTON, Lieutenant NATHANIEL, of Pennsylvania, and Ensign BRADSHAW.** In the "Western army," 1794. Both officers in the "U. S. Legion," under General St. Clair. Both killed.

**HUTCHINSON, FRANCIS HELY.** See *Mountmorris, Lord*.

**HUXTON, MILTON, of New York, cornet of dragoons, army of the United States.** In 1809. He died of his wounds at Carlisle, Penn. Antagonist unknown.

**ILLINOIS :** *Constitutional provision :* —

"Any person who shall, after the adoption of this Constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abetter in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and shall be punished otherwise, in such manner as may be prescribed by law."

And every person appointed or elected to office is required to take the following oath : —

*"I do solemnly swear (or affirm, as the case may be) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of either party, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of this Constitution; and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel, during my continuance in office. So help me God."*

**ILLO, a colonel in the service of the Emperor of Austria, in the "thirty years' war."** Challenge, in 1634, to Colonel Gordon, a Scotch officer in the same service. Count Wallenstein and Duke of Friedland, generalissimo of the Austrian army, revolted. Illo followed his general, and was created a field-marshal. With other confidential friends of Wallenstein, he was invited to a feast in the castle of Egra, by the Count's enemies,

though under color of friendship to him, and of favoring his plans. While at table, the hall was filled with armed men, who, on a concerted signal, placed themselves behind the chairs of the doomed guests. Illo alone had the presence of mind to defend himself. He placed his back against a window, reproached Gordon in bitter terms for his treachery, and finally defied him to a fair and honorable fight. The challenge was not noticed. Illo made a gallant resistance, and slew two of his assailants. He fell at last, overpowered with numbers, and pierced with ten wounds.

INGE, SAMUEL W., member of Congress from Alabama. See *Stanly, Edward*, and also *Gwin, William M.*

INNES and CLARKE. In Hyde Park, in 1748; with pistols. The quarrel between these gentlemen, who were captains in the British navy, was caused by the animosities which arose between Admiral Knowles and several of his officers, while employed against the possessions of Spain in the West Indies. The Admiral accused some of his captains of misconduct, and they, in turn, impeached him; and on the return of the fleet to England, a court-martial was the consequence of their mutual accusations. Those who espoused the side of the Admiral were met with the most angry spirit by those who assailed him. A bloodless encounter occurred between the Admiral and Captain Powlet; and finally a duel between Innes and Clarke. Innes was mortally wounded: his antagonist was tried for murder, and convicted, but received the royal pardon.

IOWA: *Constitutional provision*:—

“Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall for ever be disqualified from holding any office under the Constitution and laws of this State.”

IRBY, F. W., and Doctor FANT. In Alabama, 1854. The two gentlemen had been rival candidates for the legislature of that State. The difficulty was political. Irby was killed at the first fire.

IRVING, C., and W. E. GIBSON. In Arkansas, 1849. The former, previously editor of the *Memphis Inquirer*. At the first fire, he received the contents of his antagonist's pistol in the abdomen. A reconciliation was effected.

ISAAC, Emperor of Cyprus. See *Richard I. of England*:

ISAACS, —. See *Ladd, J. B.*

ISIDORE, MONS., and MONS. ALPHONSE. In France, in 1853, or early in 1854. They were both in love with a married lady. Invited to her house with a large company, they were thrown by accident into immediate contact, in the circle which surrounded the object of their devotion, who *appeared* to favor Alphonse. Isidore became irritated, and selected a card from a vase on a table, and, with evident affectation, commenced crushing it in his hands. Alphonse saw that the card was his own, and readily understood the act. Directly the eyes of the rivals met, when Isidore threw the card into the fire. Alphonse approached and whispered, "I fear, monsieur, you did not read my address on my card, — here's another: at what time to-morrow shall I have the honor of seeing two of your friends with two of mine?" "Ten o'clock," was the response. They met the next day in the fosse of the fortification near Vincennes, with swords. Isidore was wounded in the shoulder.

ISTURITZ, Señor. See *Mendizabal*, Prime-Minister of Spain.

JACKSON, ANDREW, President of the United States. Unable to obtain *authentic* accounts of the affairs with which he was connected in early life, and unwilling to do so distinguished a person injustice, I deem it best to use no part of the fragmentary materials in my possession, and to ask the reader's indulgence until better success shall attend my researches.

JACKSON, JAMES, an officer in the army of the Revolution, a Major-General in the militia, a Governor of Georgia, and a Senator in Congress. Two duels. The first, in 1780, with Lieutenant-Governor Wells of Georgia. Wells lost his life, and Jackson was badly wounded in both knees. The second, in 1802, with Colonel R. Watkins, in consequence of a political controversy. Jackson was wounded.

JARNAC, MONS., and MONS. DE LA CHAISTAIGNERIE. In France, 1547. A judicial combat or duel; and the last which occurred in France, *authorized by a magistrate*.

JAY, HON. JOHN. See *Littlepage, Lewis*.

JEFFCOTT, SIR JOHN. See *Hennis*.



JEFFREY, FRANCIS, Lord-Advocate of Scotland. See *Moore, Thomas*.

JEFFRIES, LORD. See *Dryden, Charles*.

JENKINS, SIR JONES. See *Shrewsbury, Earl of*.

JESUP, General. See *Clay, Henry*, and *John Randolph*.

JOHN, King of England. Challenge to Philip, King of France, in 1195, or the year following, and in the reign of Richard I. Philip informed Richard that Prince John had maintained secret correspondence with him, and was in a league to overthrow his brother. Richard, indignant at the intelligence, deprived John of all his lands in England and Normandy, which he held of the crown. John denied the accusation, and sent a challenge to Philip, in which he claimed to be allowed to prove his innocence by combat, either in person or by champion. The King of France neither complied nor made answer to the message. See also *Lusignan, Count Hugh de*.

JOHNSON, BENJAMIN. See *White, T*.

JOHNSON, E. W. See *Daniel, J. M*.

JOHNSON, GEORGE P. See *Gwin, William M*.

JOHNSTON, SIR JAMES, and the seventh LORD MAXWELL. In Scotland, about the year 1613. Possibly a meeting without the preliminaries of a duel. In the feud between the two families, the head of the house of Johnston was slain. Lord Maxwell fled, but was betrayed by the Earl of Caithness, tried, and beheaded.

JOHNSTON, ZACHARIAH F. See *Stanly, Fabius*.

JOHNSTONE, GOVERNOR GEORGE. See *Germaine, Lord George*.

JONATHAN, a Jew, and PUDENS, a Roman. The Jew, according to Josephus, was contemptible alike in character, family, stature, and general appearance. But he seems to have had sufficient courage to defy the best of the Romans to single combat. So mean a foe was despised, and his challenge declined, until Pudens, a horseman, "out of his abomination" of Jonathan's words, and "perhaps out of an inconsiderate arrogance," went out to fight him. Pudens was slain; and his adversary, while exulting in his victory, was pierced through by a dart shot from the bow of Priscus, a centurion; and both Jews and Romans set

up a shout, the one at the fall of Pudens, the other at the success of the centurion.

JONES, GEORGE W., Delegate in Congress from Wisconsin. See *Cilley, Jonathan*.

JONES, J. P. See *Hope, James*.

JONES, WILLIAM H., and JOHN S. NUGENT. In California, 1852. The former wounded.

JONES, Major, and Colonel GRONARD. In Florida, 1852, with bowie-knives. Jones killed.

KEITH, W. J. See *Dantzler, O. M.*

KELLEY, JOHN. See *Spear, W. S.*

KELLY, JOSEPH, an officer in the British army. His antagonist was slain. Kelly was tried and narrowly escaped conviction. Subsequently, he was in service under Wellington, and participated in the battle of Waterloo. Though personally known to the Duke, he received no advancement. He was killed at Paris, by a commissary with whom he had quarrelled.

KEMBLE, E. C., and editor of the *Alta* newspaper, and Colonel McDUGAL. In California, 1851. Kemble the challenger. The parties were arrested on the field.

KENNEDY, Doctor. See *Walker, Judge*.

KENTUCKY : *Constitutional* provisions : — Members of the General Assembly, and all officers, before they enter upon the execution of the duties of their respective offices, are required to swear or affirm, —

*"That since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons, with a citizen of this State ; nor have I acted as second in carrying a challenge, or aided or assisted any person so offending. So help me God."*

And a second article provides, that

*"Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat with a citizen of this State, with any deadly weapon, either in or out of this State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth, and shall be punished otherwise in such manner as the General Assembly may prescribe by law."*

**KERR, LORD MARK**, a British nobleman, and a French officer. In 1743. The quarrel arose at a dinner given by the Earl of Stair, commander-in-chief of the British forces in Germany. Wraxhall, in his *Memoirs*, thus relates the occurrence.

"A difference of opinion having arisen during the repast, on some point which was maintained by one of the French officers with great pertinacity, Lord Mark Kerr, in a very gentle tone of voice, ventured to set him right on the matter of fact. But the Frenchman, unconscious of his quality, and perhaps thinking that a frame so delicate did not inclose a high spirit, contradicted him in the most gross terms, such as are neither used nor submitted to among gentlemen. The circumstance took place so near to Lord Stair, as unavoidably to attract his attention. No notice whatever was taken of it at the time, and after dinner the company adjourned to another tent, where coffee was served. Lord Mark coming in about a quarter of an hour later than the others, Lord Stair no sooner observed him, than, calling him aside, 'Nephew,' said he, 'I think it impossible for you to pass by the affront that you have received from the French officer at my table. You must demand satisfaction, however much I regret the necessity of it.' 'O my lord,' answered Lord Mark, with his characteristic gentleness of manner, 'you need not be under any uneasiness on that subject. We have already fought. I ran him through the body. He died on the spot, and they are at this moment about to bury him. I knew too well what I owed myself, and I was too well convinced of your lordship's way of thinking, to lose a moment in calling the officer to account.'"

**KIER, SIR WILLIAM.** See *Montgomery*.

**KILKENNY**, Earl of, and **MR. BALL**, an attorney. At the time of the combat, the Earl was known as Lord Mountgarret. His lordship had several insolvent tenants whose suits in law with him were gratuitously managed by Ball and other members of the Irish bar. In this circumstance, the difficulty originated. Ball was the challenged party. They exchanged two shots. His lordship was wounded each time. Ball escaped unharmed.

**KIRKALDY** of Grange. See *Bothwell*, *James Hepburn*, *Earl of*.

**KNIGHT**, Captain. See *Sheridan*, *Richard Brinsley*.

**LACOMBE**, Mons. See *Blanc*, *Mons. Charles*.

**LADD, J. B.**, and **MR. ISAACS**. In South Carolina, in 1786. Ladd was a physician, and utterly opposed to duelling; he was mortally wounded.

**LAFAYETTE**, the Marquis of. Challenge, in 1778, to the Earl

of Carlisle. The Earl was one of the Commissioners of England to the United States, during the Revolution, to effect a reconciliation between the two countries. In an address to Congress, after the failure of the mission, the Commissioners used the following expressions :—

*“ They remain astonished at the calamities in which the unhappy people of these Colonies continue to be involved, from the blind deference which their leaders profess towards a power that has ever shown itself an enemy to all civil and religious liberty, and whose offers, his Majesty’s Commissioners must repeat, whatever may be the pretended date and present form of them, were made only in consequence of the plan of accommodation concerted in Great Britain, and with a view to prevent the reconciliation proposed, and to prolong this destructive war.”*

These terms were deemed highly derogatory to France, by the French officers in the service of Congress, and the Marquis, as the highest in rank, in behalf of his country, sent the Earl a chivalrous note requiring personal satisfaction. The Earl very properly declined to make private and individual atonement for an act performed with others in the discharge of a public duty.

The course of Lafayette was in opposition to the advice of Washington, and of the Count d’Estaing. The Commander-in-chief, in reply to a communication on the subject, addressed to him by the Marquis, without directly condemning the practice of duelling, presented various considerations against a challenge in that particular case ; and subsequently, in a letter to the Count, he observed that he had “ omitted neither serious reasoning nor pleasantry to divert the Marquis from a scheme in which he could be so easily foiled, without having any credit given him by his antagonist for his generosity and sensibility.” Lafayette had expressed a wish to be governed by the opinion of Washington ; but believing that he had committed himself too far to retract with decency, he persisted in his purpose. Washington, however, derived consolation from the reflection that the Earl would decline ; and that,

“ while our friend gains all the applause which is due to him for wishing to become the champion of his country, he will be secure from the possibility of such dangers as my fears would otherwise create for him, by those powerful barriers which shelter his lordship, and which I am persuaded he will not in the present instance violate.”

The Count entertained the same sentiments ; and wrote to the Commander-in-chief, that “ ambassadors, commissioners, and men in office, are supposed to speak only in consequence of

orders which they have received"; that, "as public organs, they owe an account only to their own government of the things which they hazard"; and that he could not, therefore, presume that Lord Carlisle would accept the invitation of the Marquis. As his lordship declined on the grounds anticipated by the two distinguished personages who were consulted by the sensitive French noble, he could but have stood justified, even in the judgment of the most scrupulous advocate of the duello.

LAFAYETTE, GEORGE W. See *Dulong, Mons.*

LAFRETTE, MONS. See *Bouteville, Count Charles.*

LAMARTINE, ALFONSE DE, and GABRIEL PEPE. In 1825, Lamartine was appointed Secretary to the French Legation at Florence, and, in a poem written in imitation of Byron's *Childe Harold*, indulged, in conclusion, in an eloquent tirade upon the degradation of Italy. Colonel Pepe, a Neapolitan officer, took offence, and in the name of his country "demanded satisfaction." The poet and the soldier met. The former was dangerously wounded; before his recovery was complete, he generously interceded with the Grand Duke in behalf of his adversary.

LANDAIS, PIERRE, and CAPTAIN COTTINEAU. In Holland, in 1778. Both were officers in the navy of the United States. Landais was the challenger. They met with small swords. Landais was a master of the weapon, and gave his antagonist a severe wound.

Landais, in the celebrated battle between the *Bon Homme Richard* and the *Serapis*, behaved infamously. He was in command of the frigate *Alliance*, and, disobeying the signal of John Paul Jones, who was commander of the little American squadron, he placed his ship in a position where he could be a spectator of the fight, until the *Richard* and *Serapis* had grappled, when he ran down under easy sail, and deliberately fired into the *Richard*, killing several on board of her. The attack was designed; for he would not desist, though hailed from the *Richard*, and told that his fire was upon the Commodore's ship instead of the enemy's.

Landais was accordingly, and upon charges preferred by the officers of the American ships, summoned to Paris by Franklin, to answer for his baseness. Cottineau was a witness against him; and this circumstance, with the differences which had occurred during the cruise, gave rise to the duel.

It was the opinion at the time, that Landais intended to kill Jones, and disable the Bon Homme Richard, in order to finish, himself, the conquest of the Serapis. As it was, he claimed the merit of the victory, on the ground that he gave a raking fire which caused the Serapis to surrender.

Landais, elated by his success in the affair with Cottineau, sent a challenge to Jones. But the Commodore despatched officers to arrest him, when he made his escape.

LANE, J. H., Lieutenant-Governor of Indiana, and Colonel EBENEZER DUMONT, a member of the legislature. In 1851. The account is, that the Lieutenant-Governor was the challenger, and that, after the parties arrived on the ground, he withdrew his challenge.

LANUSSE. See *Marigny, Gustavus*.

LARRY, Colonel. See *Dulong, Mons*.

LAS CASES, son of Emanuel A. D., Count and Marquis Las Cases. Challenge, in 1823, to Sir Hudson Lowe. The Count, in his *Memorial de Sainte Helene*, a work which appeared originally in eight volumes, spoke in severe terms of the English Governor's treatment of Napoleon; to which allegation Sir Hudson published an insulting answer. The Count's son thereupon repaired to England, and sent his father's adversary a cartel. Sir Hudson declined, and took measures to remove the challenger from the country.

LAUDERDALE, Lord, and General BENEDICT ARNOLD. In 1792, in England. That such a man as his lordship's antagonist was so far recognized as a *gentleman* as to be permitted to fight a duel, is wonderful.

LAUDERDALE, Lord. See *Richmond, Duke of*.

LAURENS, Colonel JOHN. See *Lee, General Charles*.

LAURY, Mons. See *Vieyra, Mons*.

LAW, JOHN, the financier. See *Wilson, Edward*.

LAWSON, Lieutenant, Navy of U. S. See *McKnight, James*.

LECKIE, ROBERT, and — HALL. In Charleston, S. C., 1852. The *Mercury* of that city published the following:—

"The parties had met the day previous, and offensive language had passed between them. Yesterday, Mr. Leckie, expressing a determi-

nation to have satisfaction, borrowed a six-barrelled revolver from a friend, which he carried to a gunsmith, by whom it was put in order and loaded. Armed with this weapon, and accompanied by a friend, he proceeded to Mr. Hall's place of business in King Street, called him to the door, and demanded satisfaction. Mr. Hall expressed his willingness to give him all the satisfaction he desired, but reminded him that this was no proper place for the settlement.

"The parties then moved along King Street and turned into Beaufain Street. Here Mr. Leckie repeated his demand for satisfaction, on which Mr. Hall faced about, and the parties, about six feet apart, simultaneously drew their revolvers, and exchanged two shots in rapid succession. At Mr. Hall's second shot, Mr. Leckie, placing his hand to his right side, retreated into the store of Mr. C. W. DeLand, by the side door. After a brief pause Mr. Hall passed by the door, on his return to King Street, which Mr. Leckie observing, stepped out, fired a third shot at his antagonist's back, and then retreated within the door. Mr. Hall turned and fired in reply, his ball grazing the edge of the doorway. Mr. Hall's second shot was the only one that took effect. It entered the right side of Mr. Leckie, passed through the liver, and resulted in his death in less than thirty minutes after he received the wound.

LEE, CHARLES, a Major-General in the army of the Revolution. His affairs of honor were numerous. It is believed that he was engaged in several before he came to America. The last, with an Italian officer, who was killed, compelled him to flee; and in 1773 he sailed from London for New York.

In 1778, after he was tried for his conduct at Monmouth, he published a *Defence*; in which he spoke of Washington in terms of censure and abuse. Colonel John Laurens, an aid of the Commander-in-chief, was impelled to notice it, and accordingly wrote to Hamilton upon the subject.

"You have seen," he said, "and by this time considered, General Lee's infamous publication. I have collected some hints for an answer; but I do not think, either that I can rely upon my own knowledge of facts and style to answer him fully, or that it would be prudent to undertake it without counsel. An affair of this kind ought to be passed over in total silence, or answered in a masterly manner."

His letter concludes with an intimation, that, as Hamilton held "the pen of Junius," he should use it to expose the falsehood and inconsistency of Lee's pamphlet. The task was never, I suppose, undertaken. But Laurens sent Lee a challenge, which was accepted. A *Narrative* of what occurred on the ground, signed by the seconds, is to be found in the

*Works* of Hamilton. It is here inserted entire. It bears date, Philadelphia, December 24th, 1778.

"General Lee, attended by Major Edwards, and Colonel Laurens, attended by Colonel Hamilton, met agreeable to appointment on Wednesday afternoon at half past three, in a wood, situate near the four-mile stone on the Point-no Point Road. Pistols having been the weapons previously fixed upon, and the combatants being provided with a brace each, it was asked in what manner they were to proceed. General Lee proposed to advance one upon another, and each fire at what time and distance he thought proper. Colonel Laurens expressed his preference of this mode, and agreed to the proposal accordingly.

"They approached each other within about five or six paces, and exchanged a shot almost at the same moment. As Colonel Laurens was preparing for a second discharge, General Lee declared himself wounded. Colonel Laurens, as if apprehending the wound to be more serious than it proved, advanced towards the General to offer his support. The same was done by Colonel Hamilton and Major Edwards, under a similar apprehension. General Lee then said the wound was inconsiderable; less than he had imagined at the first stroke of the ball, and proposed to fire a second time. This was warmly opposed both by Colonel Hamilton and Major Edwards, who declared it to be their opinion that the affair should terminate as it then stood. But General Lee repeated his desire that there should be a second discharge, and Colonel Laurens agreed to the proposal. Colonel Hamilton observed, that, unless the General was influenced by motives of personal enmity, he did not think the affair ought to be pursued any further; but as General Lee seemed to persist in desiring it, he was too tender of his friend's honor to persist in opposing it. The combat was then going to be renewed; but Major Edwards again declared his opinion that the affair ought to end where it was. General Lee then expressed his confidence in the honor of the gentlemen concerned as seconds, and said he should be willing to comply with whatever they should coolly and deliberately determine. Colonel Laurens consented to the same.

"Colonel Hamilton and Major Edwards withdrew, and, conversing a while on the subject, still concurred fully in the opinion, that for the most urgent reasons the affair should terminate as it was then circumstanced. This decision was communicated to the parties, and agreed to by them, upon which they immediately returned to town; General Lee slightly wounded in the right side.

"During the interview, a conversation to the following purport passed between General Lee and Colonel Laurens. On Colonel Hamilton's intimating the idea of personal enmity, as before mentioned, General Lee declared he had none, and had only met Colonel Laurens to defend his own honor, — that Mr. Laurens best knew whether there was any on his part. Colonel Laurens replied, that General Lee was acquainted with the motives that had brought him there, which were, that he had been informed from what he thought good authority, that General Lee



had spoken of General Washington in the grossest and most opprobrious terms of personal abuse, which he, Colonel Laurens, thought himself bound to resent, as well on account of the relation he bore to General Washington, as from motives of personal friendship and respect for his character. General Lee acknowledged that he had given his opinion against General Washington's military character to his particular friends, and might perhaps do it again. He said every man had a right to give his sentiments freely of military characters, and that he did not think himself personally accountable to Colonel Laurens for what he had done in that respect. But he said he had never spoken of General Washington in the terms mentioned, which he could not have done; as well because he had always esteemed General Washington as a man, as because such abuse would be incompatible with the character he would ever wish to sustain as a gentleman.

"Upon the whole," concludes the *Narrative*, "we think it a piece of justice to the two gentlemen to declare that, after they met, their conduct was strongly marked with all the politeness, generosity, coolness, and firmness that ought to characterize a transaction of this nature."

In recording an account of this duel, Graydon in his *Memoirs* remarks, — as every one will now do: —

*"And so the affair ended, without the smallest bearing on the point in controversy, namely, whether General Lee was right or wrong in speaking reproachfully of the Commander-in-chief, — and only establishing the fact, that the combatants could risk their lives with the gallantry and self-possession of soldiers and men of honor."*

And besides, it is to be observed that General Lee, while upon the ground, maintained the propriety of his course, and gave a significant intimation that he should not abandon it. In one word, THE COMBAT SETTLED NOTHING.

General Lee, not long after his duel with Colonel Laurens, became embroiled in a quarrel with William Henry Drayton, Chief Justice of South Carolina. The Judge, in a charge to the grand jury, took occasion to censure the General for his conduct in New Jersey, and especially for his deportment at the battle of Monmouth. The Judge, who, as a member of Congress, had been one of the General's most active and determined adversaries, was required to explain. No satisfactory answer was obtained; and a challenge followed. The Judge declined the call, because duelling did not comport with his official stations, and because he was not bound to "sacrifice his public reputation, and outrage his public character, merely to gratify General Lee in the line of his profession." These reasons were conclusive. Well for society, if every man of standing possessed the courage to act in the same way.

**LEGARE, J. DAVIDSON, and JOHN DUNOVANT.** Near Charleston, S. C., in 1853, with pistols. Legare was killed at the first fire. It is probable that there were several causes for this duel. First, the excitement of a newspaper controversy between Messrs. Alfred M. Rhett and Isaac M. Dwight, of South Carolina, which was political, and related to the "Union" and "Nullification" parties in that State; second, the alleged remarks of Dunovant of a personal nature, which seriously injured Legare's character; and third, the rival claims of the two gentlemen to the affections of a lady.

**LEGGETT, WILLIAM, and JOHN MORRISON.** In California, 1852. Three shots exchanged. Leggett killed on the spot, at the third fire.

**LEISTER, EDWARD.** See *Doty, Edward*.

**LEMEY, General.** See *Augero, Mons.*

**LEMON, F.** See *Graham, W. H.*

**LEMPSTER, Lord.** See *Grey, Captain in the British Army.*

**LENOX, Colonel.** See *Richmond, Duke of.*

**LEON, PONCE DE.** See *Velasco.*

**LEONISSA, GENTILE, General.** See *Sforza, Francesco.*

**LESSESS, and —.** At or near New Orleans, in 1853. Lessess killed. Both young men and minors.

**LEVY, —.** See *McCain.*

**LEWIS, —,** member of Congress from Virginia. See *Cushing, General Thomas H.*

**LHAM-DREAG,** a name signifying a bloody hand. This personage is of elfin chivalry. The fable is, that he was to be encountered in the forest of Glenmore, Scotland; that, arrayed as an ancient warrior with a bloody hand, he insisted upon single combat with every person he met.

**LIGONIER, Lord.** See *Alfieri, Vittorio, Count.*

**LINDSAY, Colonel W. M., and A. H. DAVIDSON.** In Arkansas, 1854, with pistols, at fifteen paces. Shots exchanged without effect. Mutual friends interposed, and arranged the difficulty.

**LINDSAY, Lord.** Challenge to Lord HERRIES, in Scotland, in 1568. Lord Herries had said that Morton and Maitland were

guilty of the murder of Lord Darnley, a crime which Murray and his associates, as will be remembered, charged upon the ill-fated Mary of Scotland. Herries scornfully refused the challenge, but offered to fight the persons whom he had accused. (See *Bothwell*.)

LITTLEPAGE, LEWIS. Challenge to JOHN JAY, in New York, 1785. When, in 1780, Mr. Jay was Minister at the Court of Spain, he took Littlepage into his family, and, to relieve his necessities, made a considerable advance to him in cash. The debt remained unpaid; and after both returned to the United States, Mr. Jay resorted to a suit to recover it. This act produced a challenge from Littlepage, which was declined. The correspondence between them was published in 1786, in which year Littlepage became confidential secretary to the King of Poland, and was sent on a diplomatic mission to Russia. Mr. Jay considered that his confidence and kindness were much abused, and bitterly spoke of his challenger, as one "*with my money in his pocket, and my meat still sticking in his teeth.*"

LITTLETON, ADAM. Antagonist unknown. He was slain. He was son of the second Sir Edward Littleton, of the noble house of Hatherly.

LITTLETON, WALTER, a brother of the preceding, and a major in the army. In the time of the Stuarts. He was killed. His wife was a daughter of the Earl of Banbury.

LLOYD, —. See *Ackland*, —.

LOBENSTAT, Count de, a Prussian nobleman. In 1828. He slew his adversary, and was convicted. The king deprived him of his honors, and ordered him to be imprisoned for life. Other persons concerned in the affair were sentenced to confinement for various periods.

LOCHIEL, SIR EWAN. He was chief of the clan Cameron, during the civil wars, and adhered to the Stuarts until their cause was hopeless. He was engaged in a duel or single combat with an English officer, who was one of the strongest and bravest men in the army. They fought long, furiously, desperately. Lochiel finally disarmed his antagonist, when they wrestled and fell to the ground in each other's arms. In the struggle which followed, the Englishman got uppermost. Lochiel, whose hands were free, seized him by the collar, and, fastening his teeth upon his

throat, brought away a mouthful of flesh, which, he said, was "the sweetest bit he ever had in his life."

LONDON, J. S., and DAVID E. HACKER. In California, 1854. Cause political. The former killed.

LONDONDERRY, Marquis of. See *Battier*, —.

LORN, Lord of. See *Campbell*, *Sir Colin*.

LORRES, SIR LANCELOT DE, a French knight, and SIR JOHN COPELAND, an Englishman. In France, in 1379. The French and English cavalry met, and immediately prepared for battle. Sir Lancelot cried aloud, that his mistress was more beautiful than the mistress of any of his adversaries. Sir John denied the statement, and, engaging with the French knight, laid him dead at his feet.

LOUISIANA: *Constitutional* provisions. The members of the General Assembly, and all officers, before they enter upon the duties of their office, are required to take the following oath or affirmation: —

*"That, since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State; nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State; nor have I acted as a second in carrying a challenge, or aided, advised, or assisted any person thus offending: so help me God."*

By another article, it is provided: —

*"Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution; and the office of any State officer, member of the General Assembly, or of any other person holding office of profit or trust under this Constitution and the laws made in pursuance thereof, shall be ipso facto vacated by the fact of any such person committing the offence mentioned in this article; and the legislature shall provide by law for the ascertaining and declaration of such forfeiture."*

LOWE, SIR HUDSON. See *Las Cases*, —.

LOWTHER, SIR JAMES, Baronet. See *Germain*, *Lord George*.

LOYOLA, IGNATIUS, or (as his name stands in judicial acts)

**DON INIGO DE RECALDE.** The youngest son of the house of Loyola, and the founder of the Jesuits. No man of his time, in the early part of his career, was more ambitious of knightly renown. His arms and his horses were the best. Deeds of valor, love, and the adventures of the duel, were the great objects of life. He celebrated an Apostle in a chivalric romance. He called out a Moor for denying the divinity of our Saviour. As the leader of the sect or order in the Church which has made his name memorable, he and his personal associates pleased themselves with the idea of making war against Satan; and, in accordance with his military propensities, assumed the name of the "Company of Jesus."

**LUNA, Count of, and the Count of VALENCIA.** The parties were nobles of Spain. Ferdinand and Isabella, to put an end to duels among the nobility, approved of an act of the Cortes which subjected both principals and seconds to the penalties of treason. But the Counts, disobeying this law, exchanged a cartel of defiance, and were imprisoned.

**LUNDY, E. B.** See *Dibble, George M.*

**LUSIGNAN, HUGH DE, Count of, surnamed LE BRUN.** A noble of France, of great power and influence. Challenge to King John of England, in the year 1200. The incidents here to be related are among the most romantic in all history. Isabella of Angoulême, of royal lineage, was affianced to Lusignan, and, according to the custom of the time, under his protection for the purpose of education. The English monarch saw her at a high festival in France, became madly enamoured of her, and determined to win her. The parents of Isabella encouraged his suit, while she, ambitious to share the triple crown of England, Normandy, and Aquitaine, denied that her faith was plighted to Lusignan, and married John at Bordeaux, in August, 1200.

Lusignan challenged the royal interloper to mortal combat. John, on receiving the cartel, proposed to appoint a champion to meet Lusignan, but the injured noble indignantly refused to fight a substitute. The king and his bride departed; and in October of the same year, Isabella was crowned Queen of England. In the course of events, Lusignan was the prisoner of John, and, refusing submission to the man who had robbed him of his betrothed, was immured in an English prison for several years. At last the unfortunate lover was released, and became the ally

of John. But he remained unmarried, "in order to remind all the world of the perfidy of that faithless beauty who had broken her betrothment for a crown."

In the lapse of years, Lusignan stipulated to aid John in the restoration of the revolted French provinces, on condition that the eldest daughter of the monarch and of Isabella should be given to him in marriage. The king complied; and the princess was committed to his care, to be educated in one of his castles, as her mother had been before her.

King John, the most contemptible of men and of monarchs, died in 1216; and within a year Isabella returned to France, where she met Lusignan, her former lover, but now the affianced of her daughter. The old passion revived on both sides; and "the Helen of the Middle Ages," who at the age of thirty-four retained her marvellous beauty, became the wife of Lusignan. As the marriage of the queen was without the consent of any one in England, her dower in that kingdom was withheld.

In 1244 the life of Louis, King of France, was twice attempted, and, as was alleged, at the instigation of Isabella. Lusignan made an appeal to battle, and offered to prove in combat that his wife was falsely accused. The accuser declined the duel, on the ground that Lusignan had forfeited his honor. Thereupon, Isabella's son Hugh offered to fight, and the time and place were appointed, but the accuser withdrew a second time, on the plea of the infamy of the family. Isabella died broken-hearted two years afterwards; her husband followed in 1249. Such are the outlines of the strange story of Isabella of Angoulême, and Hugh, Count de Lusignan.

LUTTERELL, TEMPLE, and Lord GEORGE GERMAIN. Quarrel in Parliament, in 1778. General Burgoyne, after his surrender, returned to England on parol; and, refused an audience by the king, endeavored to obtain a hearing in Parliament. In the debate which arose upon a motion for an inquiry into his conduct, Lutterell made an attack upon Lord George, who, in reply, declared that, "*old as he was, he would meet that fighting gentleman, and be revenged.*" The House interposed; an apology from both, and a promise that the affair should proceed no further, followed.

MACARTNEY, General. See *Arran* (Charles Hamilton), Count of, and also *Hamilton, Duke of*.

MACDONNELL of Glengarry, and Lieutenant McLEOD. In Scotland. A dissension of no moment occurred between these gentlemen at a ball and supper. The most that Macdonnell could allege was that McLeod gave him an "*impertinent look*." The gentlemen present saw no cause of offence. But Macdonnell struck McLeod with his cane, kicked him with his foot, and drove him out of the room. A challenge ensued, and the parties met. Macdonnell at last, however, saw the matter in its true light, and offered any apology which, as a gentleman, he could or was bound to make. McLeod was advised to reject a verbal atonement, without also receiving into his own hand the weapon used by Macdonnell at the ball, with liberty to return blow for blow, as he should please. To these terms Macdonnell would not accede. In the exchange of shots which followed, McLeod received a wound in the breast of which he died. Macdonnell was tried and acquitted.

MACEDO, a Portuguese Jesuit. Challenge to Cardinal Norria. The parties engaged in a controversy relative to St. Austin, and the ecclesiastical power interfered. Macedo, forbidden to write against the Cardinal, sent him a challenge. The woods of Boulogne were designated as the place of meeting; but an edict put an end to the duel, much to the chagrin of the holy father Macedo.

MACKNEATH, ROBERT, member of Parliament. Cartel, in 1793, to Scott, the Solicitor-General, and subsequently Lord Eldon. Mackneath was sentenced to pay a fine of £100, and to be imprisoned for six weeks. Lord Campbell, in his *Lives of the Chancellors of England*, without mentioning the name of the challenger, refers to this case, I suppose, when he says that Eldon's

"last prominent act as Solicitor-General was, very properly, to appeal to the laws of his country against a gentleman who sent him a challenge for words spoken by him as counsel, strictly in the discharge of his professional duty. There was no reason to doubt his personal courage, but a display of it on such an occasion would have been a wanton exposure of his own valuable life, and would have established a precedent highly detrimental to the interest of suitors in courts of justice. His conduct was entirely approved of by the Bar and by the public. The challenger, who thus sought to restore his reputation from the disgrace which the evidence in the cause had cast upon him, was sentenced by the Court of King's Bench to fine and imprisonment."

**MACNAMARA**, Captain in the British Navy. See *Montgomery*.

**MACOMB**, CHARLES M., a native of New York, and an officer in the army of the United States. He fell in a duel in 1814.

**MACRAE**, Captain. See *Ramsay, Sir George*.

**MACUIRE**, RICHARD DE. He was the companion in arms of Aubry, a French knight of the time of Charles V., and, according to tradition, basely murdered Aubry, whose dog discovered the crime. The King compelled Macuire to fight a duel with his canine accuser, in order to decide the case. The murderer was conquered. The German drama, *The Dog of Aubry, or the Wood of Bondy*, is founded upon this story.

**MALDEN**, Lord Viscount. See *Hawkins, S. M.*

**MANUEL**, a Roman Emperor, of the twelfth century. He slew in a single battle "above forty barbarians," and remarks Gibbon, "He was ever foremost to provoke or to accept a single combat, and the champions who encountered his arm were transpierced by the lance, or cut asunder by the sword, of the invincible" Emperor.

**MANUEL**, Mons., and Mons. **BEAUMONT**. At or near Paris, in 1821. Both were bankers of the highest standing. Manuel was a Jew of Poland, married, the father of six children, and a man of immense wealth. Beaumont was unmarried, a native of Genoa, and possessed of a large fortune; he seduced Manuel's wife. The two gentlemen met on 'Change in Paris, after Manuel had proof of his wife's infidelity, when a violent altercation ensued. A challenge followed. It was agreed, in the terms of the meeting, that one at least, should not survive the combat. Manuel was killed on the spot: he was an excellent man, and his fall was deeply mourned by all classes. He proffered forgiveness to his frail wife, before the duel, on condition that she would abandon Beaumont: she declined. Wade states that the remains of Manuel were refused burial by the clergy, because of the manner of his death.

**MANZINI**, Signor, Minister of Finance, Rome. In 1849, he addressed the following note to the editor of the *London Times*.

"SIR, — As I am a native of Rome, and consequently an Italian, and being grossly insulted by Lord Brougham and his companions, I give you notice our intention is to have a duel to repair mine and my country's honor, and, as an English nobleman, I hope he will not refuse the invitation."



**MANLIUS, TITUS.** In the year of Rome 392, a Gaul of enormous size, whose huge limbs intimidated the stoutest, defied the bravest of the Romans to single combat. Manlius, by leave of his general, accepted the challenge, and slew his adversary. The surname of *Torquatus* was given him, and descended to his posterity, in consequence of the achievement. The Gauls, discouraged by the fall of their champion, abandoned their camp at night, and fled.

**MAQUIRE, HUGH.** See *St. Leger, Sir Warham*.

**MARIGNY, GUSTAVUS, and — LANUSSE.** At or near New Orleans, in 1830. They fought first with the small sword, then resorted to the pistol, but ended the combat with the sword. Both were wounded. Marigny died in a few minutes.

**MARION, FRANCIS,** a general officer in the war of the Revolution. During his service at the South, he expelled two officers from his brigade for numerous offences against humanity; and posted upon trees and houses, in public places, proclamations, that Major — and Captain — were robbers and thieves, and as outlaws might be killed wherever found. One of them challenged him to single combat; but he treated the call with contempt. Subsequently, Marion received a cartel from Major McIlraith, of the royal army, to meet in combat in the open field. Marion, in reply, expressed his readiness for a fight between twenty picked soldiers on each side, according to the custom of the days of chivalry. McIlraith assented, and agreed upon a spot near an oak-tree (which was standing in 1821); but after the parties had been selected, and formed for combat, he reconsidered the proposal, and withdrew his own men without firing a gun.

**MARLBOROUGH, Duke of.** Challenge to the Earl of Paulet, in 1712. The Tories of England, as early as 1706, commenced their clamors against the Duke, who, they declared, was governed by selfish motives, and sacrificed the interests of his country for his own private advantage. Three years later, the public sentiment had become general, and he was accused, on all hands, of prolonging the war, and of sacrificing human life to increase his property and reputation. In 1710, he became an object of derision. Instances of his fraud, avarice, and extortion, of his cruelty and misconduct, were related everywhere. The year following, the Earl of Anglesey said in Parliament, that "a good

peace might have been obtained, but for the conduct of some persons who prolonged the war, for their own private ends." The Duke could not misunderstand the insinuation, and vindicated himself in a long speech. Finally, in 1712, the Earl of Paulett ventured to utter in his place, that the Duke of Ormond "was not like a certain general who led troops to the slaughter, to cause a great number of officers to be knocked in the head, that he might fill his pockets by disposing of their commissions." Marlborough remained silent. But as soon as the Lords adjourned, he sent Lord Mohun to the Earl of Paulett, with an invitation "to go and take the air in the country." The Earl inquired, whether he should take the invitation to mean a challenge. "The message," replied Mohun, "requires no explanation; I shall accompany the Duke of Marlborough, and your lordship will do well to provide a second." The Earl was unable to conceal his emotion; and his wife communicated the affair to the Earl of Dartmouth, Secretary of State, who informed the Queen. Her Majesty desired the Duke to relinquish his design, and he accordingly abandoned it. *This, as is supposed, is the first party or political duel ever contemplated.*

MARLBOROUGH, Duke of. See *Mitchell, Sir John, Baronet.*

MARTIN, an English painter. In 1740, while at Florence, he sent a challenge to a Florentine cavalier or nobleman, for saying that he "was no gentleman." The Florentine repaired to the house of Horace Mann, the British Minister, to inquire into the standing of Martin, for he could not, he declared, consent to fight with one who was no cavalier. It does not appear that he was satisfied with the information obtained, or that he met the painter, who, wrote Horace Walpole, appeared at the place and hour appointed, "pale, but cross, with beard unshaved and hair uncombed, a slouched hat, and a considerable red cloak, in which was wrapped, under his arm, the fatal sword that was to revenge" his honor.

MARTIN, SAMUEL. See *Wilkes, John.*

MARS, ROBERT, and W. S. STINET. In Kentucky, 1851; with pistols. Mars was wounded in the throat; Stinet in the body.

MARSHALL, E. C. See *Gwin, William M.*

MARTINA, Duke of, champion of the Prince of Francavilla. See *Conversano, Count of.*

MARYLAND: *Constitutional provision* : —

"Any citizen of the State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall ever thereafter be incapable of holding any office of trust or profit under this State."

MASON, General ARMISTEAD T., Senator in Congress from Virginia, and JOHN M. M'CARTY. Near Washington, in 1819, with muskets. These gentlemen were relatives, and it is believed cousins. The dispute was political. Several friends of Mason endeavored to persuade him, by the most earnest appeals, to adjust the difference without a hostile meeting. He persisted. In a letter addressed to M'Carty, which it would seem was never read by him, Mason said : —

"SIR, — I have resigned my commission for the special and sole purpose of fighting you ; and I am now free to accept or send a challenge, and to fight a duel. The public mind has become tranquil, and, all suspicion of the further prosecution of our quarrel having subsided, we can now terminate it without being arrested by the civil authority, and without exciting alarm among our friends.

"This effort has been delayed by my anxiety to effect such an arrangement of my affairs as my duty to my family required. That arrangement is just effected. I am extremely anxious to terminate at once and for ever this quarrel. My friends, — and —, are fully authorized to act for me in every particular. Upon receiving from you a pledge to fight, they are authorized and instructed at once to give the challenge for me, and to make immediately every necessary arrangement for the duel on any terms you may prescribe."

And, in his letter of instructions to the "friends" referred to, which bears the same date (January 9th, 1819), he remarks : —

"GENTLEMEN, — You will present the inclosed communication to Mr. John M'Carty, and tell him at once that you are authorized by me to challenge him, in the event of his pledging himself to fight. If he will give the pledge, then I desire that you will instantly challenge him, in my name, to fight a duel with me. You are not authorized to give a verbal challenge. It must be reduced to writing. Agree to any terms that he may propose, and to any distance ; to three feet, his pretended favorite distance, or to three inches, should his impetuous and rash courage prefer it. To any species of fire-arms, pistols, muskets, or rifles, agree at once."

On receiving the challenge, M'Carty proposed to fight on a barrel of powder, or with dirks. Both modes were objected to, on the part of Mason's seconds, as not in accordance with estab-

lished usage. M'Carty, finally, in the following written communication, accepted the cartel, and stated the terms of the combat.

"GENTLEMEN, — I agree to meet and fight your friend, General A. T. Mason, to-morrow evening, at five o'clock, at Montgomery Court-House. As I am at liberty to select the weapon with which I am to fight, I beg leave to propose a musket charged with buckshot, and at the distance of ten feet.

"February 4, 1819."

The seconds of the parties subsequently agreed upon a short postponement of the time, to substitute a single ball for buckshot, and to increase the distance to more than twelve feet. General Mason was killed. It was alleged that he received three balls; but it was ascertained, after a minute dissection of his remains, that only one entered his body. Again, the Hon. Ben. Hardin is reported to have said in the Kentucky Convention, 1850, that he had been informed by Mr. M'Carty, that "the duel was forced upon him by one of Mason's seconds." In contradiction, we have the declaration of the *two* gentlemen concerned, that they did *not* urge "the affair to its unfortunate issue." Mr. M'Carty was severely wounded in the left arm, which, it is believed, was amputated.

MATHESON, M. See *Handel, George Frederic*.

MATHEWS, THOMAS, Captain. See *Sheridan, Richard Brinsley*.

MAXIMILIAN, Emperor of Germany, and CLAUDE DE BATRE, a French knight. In 1495. The duel was in presence of all the electors and princes of the German Diet. The Emperor by this act, not only waived his own rank, but put in peril the existence of the royal house.

MAXWELL, Lord. See *Johnston, Sir James*.

MAY, Colonel, and EDWARD ROWE. In California, 1853. Rowe was wounded in the neck; Colonel May, a member of the Senate of California, escaped unhurt.

MCCAIN, Doctor, and — LEVY. In South Carolina, 1849.

MCCALLUM, DONALD, and ALISTER MCCOL, or COLKITTO. In 1647. McCallum was killed; he was of the lineage of Malcom of Pottallock.

M'CARTY, JOHN M. See *Mason, General Armistead T*.

MCCOL, ALISTER. See *McCallum, Donald*.

MCCORKLE, J. W., member of Congress from California. See *Gwin, William M.*

McDOUGAL, Colonel. See *Kemble, E. C.*

MCDUFFIE, GEORGE, a distinguished statesman of South Carolina, and Colonel CUMMING, of Georgia. Near "Sister's Ferry," South Carolina, June 8th, 1822, with pistols. An article appeared in a Georgia paper in favor of the pretensions of Mr. Crawford, and against those of Mr. Calhoun, to the Presidency of the United States, which drew a reply from a gentleman of South Carolina. The Georgia writer rejoined, assuming that the South Carolina writer was Mr. McDuffie; while that gentleman replied, in the belief that his opponent was Colonel Cumming. Both were mistaken; but no explanation was made on either side, though it is understood that Mr. McDuffie assented and Colonel Cumming objected to a proposition to submit the dispute to the decision of friends.

Colonel Cumming desired to fight in round jackets, or shirt-sleeves; his opponent suggested, "or frock or surtout coat." The change was assented to, and the former appeared on the ground in frock and pantaloons of cotton and linen; the latter in similar garments of silk. The preliminaries arranged, the parties were summoned to their places, and exchanged shots, at a distance of ten paces. Mr. McDuffie's ball struck the ground about four paces from his own feet; while the bullet of his antagonist entered his back obliquely, just below the short ribs, and inflicted a wound from which he never recovered.

This duel gave rise to much newspaper wit and gossip. The *Chronicle*, published at Augusta, Georgia, gave the public, as it stated, an "authentic account of the affair," in which it was said that Colonel Cumming's pistol was loaded "*for the side, not for the back, for the resistance of common drapery, not of several folds of strong silk,*" &c., &c. The general tone of this article was against Mr. McDuffie, and gave the impression that his conduct was dishonorable, not only in the preparation of his dress, but in retiring from the field after a single shot. These statements were assumed to be true by editors in different parts of the country, and afforded materials for free and severe comments. But it may well be doubted whether the distinguished statesman of South Carolina is justly liable to censure upon either accusation. As regards the discontinuance of the

combat, it is in proof that he acted upon the opinion of *the surgeons of both parties*, who, as the result of a consultation, declared his inability to proceed; while, in the matter of dress, there is no evidence—as I am aware—that his silk frock had more than a single and a common lining. That the surgeons were right in their conclusion is manifest; for Mr. McDuffie's wound, as already remarked, was the cause of serious physical prostration his life long.

MCLRAITH, Major, British army. See *Marion, General Francis*.

MCINTOSH, LACKLAND. See *Gwinnett, Button*.

McKEE, F. S. See *Murphey, Joseph*.

McKENZIE, Lieutenant. See *Barrington, William*.

McKIE, JAMES C. Challenge to William O. Eaton, Boston, 1852. McKie was held to bail in the sum of two thousand dollars; his letter to Eaton was in these words:—

“SIR,—I demand satisfaction for the ‘cowardly’ manner in which you attacked me last evening. Were you a gentleman, I should send a friend to wait upon you, but I would not compromise my friend's character so much as to ask him to call on such a ‘disgrace’ to society. I leave all the arrangements but one in your hands, and that one is the ‘time,’ which will be as soon as you can possibly make arrangements for a meeting.”

McKNIGHT, JAMES, a captain of marines, and Lieutenant LAWSON, of the navy of the United States. At Leghorn, in 1802. Both were officers of the frigate Chesapeake. McKnight was killed; his wife was a sister of Stephen Decatur, a captain in the navy of the United States.

McLEAN. In England, 1750. Having a dispute with a British officer, at Putney Bowling-green, he challenged him; but the officer, distrusting his respectability, declined the call. McLean was soon afterward arrested for highway robbery. His father was an Irish dean, and a brother was a minister of reputation. After his detection, it was ascertained that he had robbed several gentlemen of rank, and was one of two highwaymen who had caused much fear in and about London.

McLEOD, Lieutenant. See *Macdonnell of Glengarry*.

McNALLY, LEONARD. See *Barrington, Sir Jonah*.

**McNAMARA, JOHN.** Challenge, in 1806, or the year following, to Sir Samuel Romilly. The offence of Romilly was professional. In the time of Lord Eldon, a Miss Purcell had filed a bill against McNamara, in the Court of Chancery, to set aside, as fraudulent, certain deeds of estates in the West Indies, and had obtained a decree with costs. On the succession of Lord Erskine, McNamara petitioned for a rehearing. Romilly appeared for Miss Purcell; and while in the performance of his duty to his client, received a hostile message, which, unlike Thurlow, in a similar case, he declined. McNamara, remarks Sir Samuel,

"who had been concerned in the course of his life in several duels, had vainly attempted during the hearing of the cause to intimidate Miss Purcell's counsel from doing their duty. Some years afterwards, having recovered from a dangerous illness, he wrote a letter to a friend of mine, in which, after telling how near dying he had been, he added, '*but I was prepared to meet the event like a man of honor.*'"

**MEAD and WOODWARD.** Both were celebrated physicians in England at a time when "doctors met in consultation with drawn swords." They fought according to appointment, under the gate of Gresham College. Woodward slipped and fell. "Take your life," exclaimed his antagonist. "Anything but your physic," replied the prostrate doctor.

**MEATH, WILLIAM,** ninth Earl of, was slain in a duel, year 1797. Unmarried, he was succeeded by his brother John.

**MEDGE,** an Irish lawyer, and finally a Baron. Three duels; one with his own brother-in-law.

**MELANTHUS,** a Messenian prince, and the King of Bœotia. In ancient history. In war, the armies of Athens and Bœotia met. The king, who commanded the latter, proposed to Thymœtes, his brother monarch, to decide the dispute between the two States, by a combat between themselves. Thymœtes declined the cartel; but Melanthus, "who had his fortune to seek," offered to become the Athenian king's champion, and was allowed the honor. The Bœotian was slain. Melanthus ruled Athens, as his reward; for Thymœtes was deposed, and his family lost the succession.

**MENDIZABAL,** Prime Minister of Spain, and **SEÑOR ISTURITZ.** At or near Madrid, in 1835. The meeting was caused by an altercation in the Chamber of Deputies. Isturitz retracted the expression deemed offensive by the Minister, and the affair

ended, after the exchange of shots. Mendizabal soon after resigned, and was succeeded by Isturitz.

MENEFEE, RICHARD, member of Congress from Kentucky. See *Cilley, Jonathan*.

MICHIGAN : *Constitutional* provision : —

“Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the Constitution and laws of this State, and shall not be permitted to vote at any election.”

MILANS DEL BOSCH, Colonel. See *Soule, Neville*.

MILBANKE, RALPH, cup-bearer of Mary, Queen of Scotland. In consequence of a duel in his native country, he fled to England. Mark, his great-grandson, was created a Baronet, in 1661.

MILLER, Major. See *Smith, Major*.

MILLER, WILLIAM, junior, of the Philadelphia bar, and CHARLES G. HUNTER, midshipman in the navy of the United States. In 1830, Miller was forced into the affair, in which originally he appears to have had nothing to do except as peace-maker. Three other officers of the navy were implicated in the duel, namely, Lieutenants Edmund Byrne and Hampton Westcott, and Passed Midshipman Charles H. Duryee.

Mr. Branch, the Secretary of the Navy, on learning the facts, recommended that the names of the four officers be stricken from the navy list. To this, the President replied in these words : —

“Let the above-named officers of the navy be stricken from the roll. March 31, 1830. ANDREW JACKSON.”

The matter was considered by the Legislature of Pennsylvania, and the dismissal of the officers approved by both branches.

The President intended, it was thought at the time, to establish the precedent, that no duel, challenge, or defiance to a duel, would thereafter be tolerated, on the part of the officers of the navy or army, *with persons in the private walks of life*, if, under any circumstances whatever, between themselves.

MILLS, ——. In England, last century. Antagonist unknown. Mills was slain.

MISSISSIPPI : *Constitutional* provision : —

“The Legislature shall pass such laws to prevent the evil practice of



duelling as they may deem necessary, and may require all officers, before they enter on the duties of their respective offices, to take the following oath or affirmation : —

" I do solemnly swear (or affirm, as the case may be) *that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, since the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, nor will I be so engaged during my continuance in office. So help me God.*"

MISSOURI: *Constitutional provision* : —

" Any person who, after the ratification of this Constitution, shall be engaged in a duel, either as principal, second, surgeon, accessory, or abettor, or in giving, accepting, or knowingly carrying a challenge to fight a duel, shall be disqualified from holding any civil or military appointment in this State ; and if any person thus disqualified shall receive an appointment, election, or commission, the same shall be void.

" It shall be the duty of the General Assembly to provide by law for the mode and manner in which the survivor of a duel, and his estate, shall be rendered responsible to, and be charged with a compensation for, the wife and children of the deceased whom he has slain."

MITCHELL, DAVID B. See *Hunter, William*.

MITCHELL, SIR JOHN, Baronet. In early life, while an officer in the *Scotch Grays*, he sent a challenge to the Duke of Marlborough, in consequence of some remarks of his Grace, in contempt of Scotland ; for which he was dismissed from the army. Subsequently, after succeeding to the title of baronet, he was attainted. Still later, and in 1770, so utter was his poverty, that he appeared in the streets of Edinburgh a common beggar.

MOAWIYAH, —. See *Ali*.

MOHUN, Lord. See *Hamilton, Duke of*.

MONCELET, MONS. CHARLES. See *Angier, Mons. Emile*.

MONTFORT, ROBERT DE, and HENRY DE ESSEX. In England, in 1158. A judicial duel. Essex was hereditary standard-bearer of England ; in a battle in Wales, he threw away the royal standard, cried out that the king was slain, and fled. Montfort charged that his conduct was the result of treasonable intentions, and offered to prove his accusation by combat. Essex denied the charge, and accepted the challenge. The duel was witnessed by King Henry II. and all his court. Essex was defeated, and expected to be put to death. The monarch spared his life, but confiscated his estate, and doomed him to the habit and duties of a monk of Reading Abbey.

**MONTGOMERY and MACNAMARA.** . In England, 1803. The former was colonel of the ninth regiment, British army ; the latter, a captain in the British navy. This volume contains no case which better illustrates the sin and folly of duelling. The two gentlemen were riding in Hyde Park, accompanied by their dogs. The animals quarrelled ; and the testimony before the coroner's inquest was, that the Colonel was requested by the Captain to call his dog off, which he declined to do, and that the following conversation ensued.

*Montgomery.* "If your dog hurts mine, I'll knock him down."

*Macnamara.* "Sir, if you knock my dog down, you must knock me down also."

*Montgomery.* "Why did you not dismount and take your dog away?"

*Macnamara.* "I am an officer in his Majesty's navy, and unaccustomed to such arrogant language."

*Montgomery.* "Sir, if you conceive yourself injured, you know where I live: you ought to take care of your dog."

*Macnamara.* "I shall do that without your permission."

Colonel Montgomery, as he uttered the last words, gave Macnamara his card of address. Arrangements for a duel to adjust the dispute, were immediate. They met in two hours, and both rode to the ground selected with great speed, each striving to arrive there first. They fought with pistols, at twelve paces. Captain Barry, of the navy, acted as the friend of Macnamara ; Sir William Kier, as the second of Montgomery. It was agreed that the principals should fire together. They did so, and both were wounded. Montgomery fell without uttering a word ; rolled over two or three times, and groaned ; was carried to a neighboring house, and expired in a few minutes.

Montgomery had served in Holland, Egypt, and Malta, with distinguished reputation ; he was thought to be one of the handsomest men in the kingdom ; and was a great favorite with the Prince of Wales (George IV.) and the Duke of York. He was but twenty-eight years of age.

Macnamara, equally distinguished, had fought several naval battles ; was also young, and about to be married to a lady with a fortune of ten thousand pounds. As soon as his wound would admit, he was tried at the Old Bailey for manslaughter. At the close of the case for the government, he requested, in a subdued tone, to read a paper in defence, and addressed the jury thus : —

"I appear before you with the consolation that my character has already been delivered, by the verdict of a grand jury, from the shocking

imputation of murder; and that, although the evidence against me was laid before them without any explanation, or evidence of the sensations which brought me into my present unhappy situation, they made their own impression; and no charge of criminal homicide was found against me. I was delivered at once from the whole effect of the indictment. I therefore now stand before you upon the inquisition only, taken before the coroner, upon the view of the body, under circumstances extremely affecting to the minds of those who were to deliberate on the transaction, and without the opportunity which the benignity of the law affords me, at this moment, of repelling the inference of even *sudden* resentment against the deceased, which is the foundation of this inquest of manslaughter.

"The origin of the difference, as you see it in the evidence, was insignificant. The heat of two persons, each defending an animal under his protection, was natural, and could not have led to any serious consequences. It was not the deceased's defending his own dog, nor his threatening to destroy mine, that led me to the fatal catastrophe; it was the defiance which most unhappily accompanied what was said. Words receive their interpretation from the avowed intention of the speaker. The offence was forced upon me by the declaration that he invited me to be offended, and challenged me to vindicate the offence by calling upon him for satisfaction. 'If you are offended with what has passed, you know where to find me.' These words, unfortunately repeated and reiterated, have over and over, and over again, been considered by criminal courts of justice as sufficient to support an indictment for a challenge. The judgments of courts are founded upon the universal understandings and feelings of mankind, and common candor must admit that an officer, however desirous to avoid a quarrel, cannot refuse to understand what even the grave judges of the law must interpret as a provocation and a defiance. I declare, therefore, most solemnly against the deceased; nothing, indeed, but insanity could have led me to expose my own life to such immense peril, under the impulse of passion from so inadequate a cause as the evidence before you exhibits, when separated from the defiance which was the fatal source of mischief, and I could well have overlooked that too, if the world, in its present state, could have overlooked it also. I went into the field, therefore, with no determination or desire to take the life of my opponent, or to expose my own. I went there in hopes of receiving some soothing satisfaction for what would otherwise have exposed me in the general feelings and opinions of the world. The deceased was a man of popular manners, as I have heard, and with a very general acquaintance. I, on the other hand, was in a manner a stranger in this great town, having been devoted from my infancy to the duties of my profession in distant seas. If, under these circumstances, the words which the deceased intended to be offensive, and which he repeatedly invited to be resented, had been passed by, and submitted to, they would have passed from mouth to mouth, have been ever exaggerated at every repetition, and my honor must have been lost.

"Gentlemen, I am a captain in the British navy. My character you can only hear from others; but to maintain my character and station, I must be respected. When called upon to lead others into honorable danger, I must not be supposed to be a man who had sought safety by submitting to what custom has taught others to consider as a disgrace. I am not presuming to urge anything against the laws of God or of this land. I know that, in the eye of religion and reason, obedience to the law, though against the general feelings of the world, is the first duty, and ought to be the rule of action. But in putting a construction upon my motives, so as to ascertain the quality of my actions, you will make allowances for my situation. It is impossible to define in terms the proper feelings of a gentleman; but their existence have supported this happy country many ages, and she might perish if they were lost.

"Gentlemen, I will detain you no longer; I will bring before you many honorable persons who will speak what they know of me in my profession, and in private life, which will the better enable you to judge whether what I have offered in my defence may safely be received by you as truth. Gentlemen, I submit myself entirely to your judgment. I hope to obtain my liberty through your verdict; and to employ it with honor in the defence of the liberties of my country."

At the conclusion of this address, several witnesses of the highest rank were called to testify to his character; among them were Nelson, Lords Holham, Hood, and Minto, Admiral Sir Hyde Parker, Captain Trowbridge, and General Churchill. Nelson, after bestowing high praise as to his professional standing, said, "As I now stand before God and my country, I believe him to be incapable of insulting man, woman, or child." He was acquitted.

MOORE, DUDLEY, and Cornet CASTINE. In 1714. Dudley was slain; he was of the noble house of Charleville.

MOORE, JAMES, and — BINGHAM. Moore was a member of Parliament, the son of a baronet, and was slain.

MOORE, THOMAS, the poet, and FRANCIS JEFFREY, Lord Advocate of Scotland. In England, 1806. Jeffrey, who at that time was editor of the Edinburgh Review, wrote an article for that work in which he attacked with great severity a volume of Moore's poems and other writings. This was the cause of a challenge from the poet to the critic. Moore, in the note which he sent, purposely cut off all chance of a peaceable reconciliation. After adverting to some assertion in the article, which accused him of a deliberate intention to corrupt the readers of his book, he wrote to Jeffrey: —

"To this, I beg leave to answer, you are a liar: yes, sir, a liar; and

I choose to adopt this harsh and vulgar mode of defiance, in order to prevent at once all equivocation between us, and to compel you to adopt, for your own satisfaction, that alternative which you might otherwise have hesitated in affording to mine."

Jeffrey accepted the call. As the parties met on the ground, they exchanged bows; and while the seconds were making the necessary arrangements, they were left alone. Jeffrey spoke and said, "What a beautiful morning it is." "Yes," replied Moore, with a slight smile, "a morning made for better purposes"; to which his antagonist made "a sort of assenting sigh." Their friends were slow in the task of preparation, and they continued to walk and talk together. Once they came in sight of the seconds, and observed their operations, when Moore related, as rather *apropos* to their own case, what Egan, the Irish barrister remarked, while sauntering about on a similar occasion, in reply to his antagonist, a fiery little fellow, who called out to him angrily, as their friends were loading the pistols, to keep his ground, "Don't make yourself unaisy, my dear fellow," said Egan; "sure, is n't it bad enough to take the dose, without being by at the mixing up?"

As Moore finished this story, the seconds, at last ready, placed them at the stipulated distance, and put the weapons in their hands. They raised their pistols, and stood waiting the signal to fire, when the police rushed upon them, and conveyed them to Bow Street, as prisoners.

This duel caused infinite amusement, for it was everywhere stated that the pistols contained paper pellets instead of bullets. Moore, in a letter to Lady Donegal, denied the truth of the report, and promised a formal contradiction by the seconds. No such document ever appeared. A paper was, however, drawn up and signed by the friend of Jeffrey, and properly attested by a magistrate; but the second of Moore declined to affix his name to it, for reasons so unsatisfactory to the poet, as to occasion an entire alienation for a period of thirty years. Moore and Jeffrey, through the interposition of Rogers the poet, became reconciled, and maintained the most friendly relations.

MOORE, THOMAS, and Lieutenant BUCK, of the United States army. At or near Natchez, in 1803. Moore was slain.

MORGAN, EDWARD. See *Egerton, John*.

MORGAN, H. See *Henderson, W.*

MORLEY, —. Challenge to SIR GEORGE THEOBALD, one of

the servants of the king of England, in 1634. Morley was fined ten thousand pounds; his offence consisted in "reviling, challenging, and striking" Sir George.

MORNINGTON, Earl of. Challenge to the Earl of SHAFTESBURY, in 1853. The offence consisted in remarks of Shaftesbury in the House of Lords, which he refused to explain. He declined the call, and his course subsequently was stigmatized by Lord Mornington as "absurdly impertinent."

MORRIS, ABRAHAM. See *O'Leary, Cornelius*.

MORRIS, ROBERT. See *Dulany, Lloyd*.

MORRISON, JOHN. See *Leggett, William*.

MORTON, Earl of. See *Bothwell, James Hepburn, Earl of*.

MOSES, JOSEPH. See *Hickey, Colonel*.

MOUNTGARRET, Lord, and JOHN BYRNE, Attorney for the Crown, Ireland. Byrne was wounded. When asked during his illness how he felt at the time the bullet struck him, he replied, "As if I had been punched by the mainmast of a man-of-war."

MOUNTMORRIS, Lord, and FRANCIS HELY HUTCHINSON, Collector of the Customs, Dublin. In Ireland. His lordship rose from dinner, entered a coach, and drove to the ground appointed for the meeting, accompanied by the Marquis of Ely. His companions at table, suspecting a duel, followed. Mountmorris was wounded in the side, and fell. On rising, he had some conversation with his antagonist, when both bowed, and separated.

MOURNEY, Mons. See *Cournet*.

MOUSSIN, an opera-singer of France, in the last century. This woman was the great heroine of the duello. She acquired the use of the sword under the instruction of Serane, a fencing-master of celebrity, and one of her lovers. Having killed "her three men," she "fled to Brussels, and became the mistress of the Elector of Bavaria."

MOYSTON, General. See *Pomfret, Earl of*.

MUNCASTER, Lord. See *Tollemache, John*.

MURAT, JOACHIM, King of Naples. In his youth one of the greatest duellists of modern times. He was intended for the Church; and while designated as the "Abbé Murat," he fell in

love with a pretty girl of Toulouse, fought a duel for her, and carried her off. The notoriety of this affair put an end to all his ecclesiastical hopes, and he entered the army. In a month after becoming a soldier under Napoleon, he fought no less than six duels; all of which were occasioned by political differences.

MURPHEY, JOSEPH, and F. S. McKEE. In Kentucky, 1852 Four shots were exchanged, and both were severely wounded. It is said that a negro woman was killed while looking on.

MURRAY, of Tullibarden. See *Bothwell*, *James Hepburn*, *Earl of*.

NAISI, nephew of King Conner, of Ulster. However fabulous the story of Deidre, the Helen of Ireland, it may be related very briefly in these pages.

Deidre was daughter of Feidhlim, the prime minister of Conner. At her birth it was predicted by a seer of the time that her beauty would inflame the hearts of princes and chieftains with the fires of love, revenge, and jealousy, and prove disastrous to the kingdom. To avoid these calamities, the instant death of the child was recommended by the holy man, to the displeasure of Conner, who declared that he would adopt her as his own, and perhaps marry her when she should arrive at a suitable age. He accordingly took her to one of his palaces or castles, and permitted no one to see her but her governors, except by his written order. She grew up very beautiful. In her fifteenth year she witnessed from the windows of her apartment the chivalric feats of the knights, as they contended for prizes before the king and nobles. Naisi, the nephew of Conner, particularly arrested her attention; she became enamored of him, and found means to obtain an interview. Naisi avowed his love for her. An elopement was arranged and effected. They fled to Albania and became the guests of the king, who, falling desperately in love with Deidre, resolved to seduce her from her husband. She communicated the king's first note to Naisi, who, indignant at the insult, challenged the king to single combat. The call was declined. Naisi and Deidre quitted the court of Albania. Conner at last had tidings of their adventures, and was entreated by his courtiers to forgive them, and to allow them to return to Ulster. Conner, resolved to possess Deidre, assented, but sent an emissary to murder Naisi. The plan succeeded; but a civil war was the result of the base deed; and Deidre not only rejected the addresses of her husband's murderer, but pined in

grief, and soon, in her anguish, obliterated all traces of her beauty. Conner, desisting for himself, finally gave her to Eogan, the emissary employed to slay Naisi. She was forced into Eogan's chariot, but, rather than become his mistress, she leaped out and was killed.

NARVAEZ, Señor. See *Pavia, General*.

NESLE, Lady de. See *Polignac, Countess of*.

NEUHOF, THEODORE, of Westphalia. The readers of this volume have found an instance of sudden rise to fortune and distinction, following, as if by direct result, the killing of a fellow-man in a duel, in the notice of John Law, the celebrated financial projector, who, it will be recollected, fled from England to the Continent, and engaged in operations which astonished the world.

The case of Neuhof is quite similar. While a student at a college of Jesuits, he slew in a duel a young man of distinguished family, and fled to the Hague; where, through the mediation of the Spanish minister, he received a commission in the Spanish army, destined to act against the Moors in Africa. He rose rapidly; and in 1736 was crowned King of Corsica. But, like Law, he fell. Driven from the throne by adverse events, he sought refuge in England. Pursued thither by his creditors, he was committed to prison. Released, finally, he died in 1756, of grief.

NEVE, OLIVER DE. See *Buckinghamshire, Sir Henry*.

NEWCASTLE, Duke of. See *Wales, Prince of*.

NICOLSON, ANDREW. See *Curry, Sir Piers de*.

NICUESA, —. See *Ojeda*.

NIENKERKE, Count, and PIERRE BONAPARTE, a nephew of the Emperor Napoleon. At or near Paris, 1851, with swords. The duel was occasioned by a previous duel between a brother of Bonaparte and a son of Rossi. The Count was wounded in the thigh, when the seconds interfered, and declared the combat at an end.

NIXON, Colonel HENRY G. In Georgia, in 1829. A friend who accompanied him to the ground wrote his father thus: —

"There was an incident in the occurrence of the contest I cannot fail to record. After your son received the most deadly and severe wound, he fired his pistol, and, keeping erect, grasped his other pistol,



and died in the attitude of manly resistance and determined purpose of character. In life and death he was noble, brave, magnanimous. I shall, at a more leisure moment, publish such a notice of our friend as his high claims to distinction demand, and my own feelings would dictate."

A gentleman at Augusta said, in a letter to a correspondent:—

"We had a show here two or three days ago. A party from Camden came here to fight a duel; and, after preparing themselves, went to the ground at noonday, through Broad Street, with as much parade as if Lafayette had been coming. Carriages, gigs, sulkies, and horse-men following to witness the bloody deed. One of the combatants was killed instantly; the other ran as hard as he could to the river, and crossed. The magistrates were close after to arrest him, and contemplated petitioning Governor Forsyth to demand the gentleman from the Governor of South Carolina. The late Governor of that State was second to the deceased."

NOAILLES, Viscount de. See *Barnave, Ant. Pierre Jos. Marie*.

NOIRMOUTIER, Mons. See *Frettes, La*.

NORBURY, Lord, Chief Justice of Court of Common Pleas. His family name was John Toler. He used to boast that he "began the world with fifty pounds and a pair of hair-trigger pistols." It is a fact, says a contemporary, that these "pistols" were the immediate cause of his elevation to the bench. Lord Norbury founded two peerages, and was the testator of an enormous fortune. As a wit, he had wide celebrity.

NORFOLK, THOMAS MOWBRAY, Duke of. See *Henry IV. of England*.

NORRIS, Cardinal. See *Macedo, a Jesuit*.

NOTTINGHAM, THOMAS HOWARD, Earl of. See *Essex, Earl of*.

NOURSE. In England, 1741. He was a gambler. He had a quarrel with Lord Windsor, for saying that a member of Parliament, and his lordship's friend, "only pretended to be ill." He sent Lord Windsor a challenge, which was declined. He went home in a rage, and cut his own throat.

NUGENT, JOHN, of California. He seems to have fought once in 1852, and again in 1853. The incidents of the first combat are related by the *San Francisco Whig*. The writer, after embarking in a steamer, "learned that the preliminaries of a duel had been arranged between John Nugent, editor of the *Herald*, and John Cotter, Alderman of the

**Fourth Ward.** The causes which led to this encounter are well known to the community and need no repetition. The principals had gone to Contra Costa the evening previous. The surgeons, seconds, and numerous friends of both parties were on board the steamer, which arrived at the wharf about half past eleven. The hour for the duel was fixed at twelve. Immediately after the landing, a scramble ensued for horses and carriages, and in a few moments nearly two hundred persons were in full gallop for the field, which was understood to be about two miles distant. At five minutes before twelve, Mr. Cotter and friends were on the ground, but owing to some misunderstanding, Mr. Nugent did not arrive until half past two o'clock. As soon as Mr. Nugent arrived, the ground was selected, distance (ten paces) measured, pistols loaded, and preliminaries arranged. The seconds of Mr. Nugent won the word. At ten minutes before three, the first shots were fired, but without effect, and were simultaneously discharged. At the second discharge, both evidently endeavoring to reserve, Nugent fired first, missed, and, unbending to cock his pistol the third time, received Cotter's second ball in the left thigh, producing a compound fracture of the limb. Had he not thrown his leg from the line, the shot would have passed by without effect. On receiving the ball Nugent fell, and was at once in the hands of the surgeons, Doctors Hastings, H. M. Gray, Bowie, and Mills. Each party displayed all the coolness, nerve, and bravery that men could upon such an occasion. The ball was extracted, and the wounded party brought to the city."

The second affair was with Alderman Hayes, who was aggrieved by statements which appeared in the *Herald*. This duel was with rifles, at twenty paces. Nugent fell at the second fire, severely wounded. A large number of spectators, it is said, "raised a savage yell" as they saw the result.

**NUNEZ.** In Mexico, year 1521. A Mexican of great prowess, and armed with sword and buckler, defied the Spaniards to meet him in single fight. Nunez, a young page of Cortés, obtained permission to accept the challenge. The struggle was desperate; but the page slew his antagonist, and bore to his master's feet the spoils of his victory.

**O. and MR. P.** In 1780. Both belonged to Colonel Mayland's regiment of dragoons, in the army of the Revolution. The day before the duel, they were "on the most intimate terms of friendship." O. killed his antagonist on the spot, and was himself dangerously wounded. The duel was caused by a "trivial misunderstanding." The survivor "discovered no sorrow," no "remorse." The story is related by Thacher, with the initial letters here used.

O'CALLAGAN, an Irish counsellor of the last century. When Lord Clanmorris horsewhipped Curran in a public street, remarks Barrington, O'Callagan acted as pacificator, and prevented a hostile meeting; but his own brains were literally scattered about the ground, soon afterward, by an attorney with whom he fought a duel.

O'CONNELL, DANIEL, and D'ESTERRE. In 1815. O'Connell, in one of his many speeches, called the corporation of Dublin "a beggarly corporation." D'Esterre, a member of that body, treated the sneer as a personal affront, and fastened a quarrel on the offender. O'Connell, anxious to avoid a call, declared repeatedly that he intended nothing personal to D'Esterre. They met at Bishop's Court, with pistols, at twelve paces. O'Connell said to Counsellor Phillips on the ground: "This seems to me not a personal, but a political affair. I am obnoxious to a party, and they adopt a false pretence to cut me off. I shall not submit to it. They have reckoned without their host, I promise you. I am one of the best shots in Ireland at a mark, having, as a public man, considered it a duty to prepare, for my own protection, against such unprovoked aggression as the present." D'Esterre made a short speech on the ground also, in which he disclaimed all hostility to his Catholic countrymen. He was supposed to be an unerring marksman. As he took his station, he crossed his pistols upon his bosom, "somewhat theatrically." The parties, by the terms arranged, were at liberty to discharge their weapons at pleasure, after a signal. They fired almost together. D'Esterre fell, mortally wounded. Not long afterward, a dispute arose between O'Connell and Sir Robert Peel, which led to an appointment. O'Connell, in his latter years, declined duelling. He said, in the House of Commons, that, "*having blood upon his hands, he had registered a vow in heaven.*" His enemies accused him of cowardice, and insisted even that his want of courage impelled him to fight D'Esterre. Whatever the truth, the reason which he assigned was sufficient. There *was* "blood upon his hands"; and it is admitted by those who enjoyed his confidence, that he endured much anguish in consequence, to the latest hour of his life. See *Peel*, *Sir Robert*, and also *Stevenson*, *Andrew*.

O'CONNELL, MORGAN. See *Alvanley*, *Lord*, and also *D'Israeli*, *Benjamin*.

O'DONAHOE, PATRICK. See *Treanor*, *Barnard* &

OHIO : *Constitutional provision* : —

"No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in this State."

OJEDA. Challenge to Nicuesa, in the year 1509. Both were "Companions of Columbus," and, subsequently, rival governors of San Domingo. To adjust a dispute between them, Ojeda, who could fight better than he could argue, proposed a single combat. His rival, though brave, was disinclined to use his sword in such an affair, and, acquainted with the poverty of Ojeda, suggested, as a preliminary to the duel, that each should furnish a sum of money (equal to about twenty-five thousand dollars) to be the prize of the victor. This proposition gave a temporary check to the fiery valor of Ojeda, as intended. Juan de la Cosa interposed, and put an end to the contemplated meeting.

O'LEARY, CORNELIUS, of Raleigh, County of Cork, Ireland. Challenge to Abraham Morris, of the same county. For the act, he was proclaimed a "Tory," and shot down by the military. He had been an officer in the Hungarian service. His wife was Ellen O'Connell, a relative of Daniel, the "Irish Agitator."

ONEBY, Major. See *Gower, William*.

ORLEANS, LOUIS, Duke of. Challenge, in 1402, to King Henry IV. of England. Isabella of Valois, and daughter of Charles VI. of France, became the bride of Richard II. of England, when a mere child, and in the eighth year of her age. In the civil war which followed, Richard was deposed. In the year 1400 he died, probably by the hands of assassins. Isabella was a widow at thirteen. Henry IV., who succeeded her husband, desired to promote a match between her and his son ; but she rejected the overture with horror, for to the house of Lancaster she owed her many sorrows, and her widowhood. Isabella finally returned to her native country. The Duke of Orleans, anxious that she should marry his promising heir, undertook to avenge her wrongs. He sent a challenge to Henry, defying him as the plunderer of the young Queen and the murderer of her husband, and offered to meet and fight him in the lists. The monarch declined. "He knew of no precedent," he said, "which offered the example of a crowned king entering the

lists to fight a duel with a subject, however high the rank of that subject might be."

ORLIFF, ALEXIS. See *Potemkin, Prince*.

OSBORN, Lieutenant Marine Corps U. S. See *Vandyke*.

OSSORY, Lord, and Lord CLARENDON. In the reign of Charles II. of England. The quarrel was political, and arose upon a measure in Parliament, for the prohibition of the importation of Irish cattle.

O'SULLIVAN and CALDWELL. In Canada, in 1819. The former an attorney, the latter a physician. An article appeared in a Montreal newspaper from the pen of Caldwell, which concerned the honor and character of O'Sullivan. Both were severely wounded.

OSWALD, Colonel. See *Carey, Mathew*.

OXFORD, Earl of. See *Sidney, Sir Philip*.

PAGET, Lord, and Captain CADOGAN. In 1809. The story is long and sad. His lordship entertained "a romantic attachment" for the wife of the Hon. H. Wellesley, which he sought in vain to overcome in the turmoils of the war on the Continent; and during the retreat to Corunna he was so reckless of life as to acquire the reputation of "a rash and adventurous gallantry." The husband recovered £20,000 damages in a suit of *crim. con.* His lordship, as another "incident" of his passion, was called out by Captain Cadogan, whose wife was a sister of Lady Wellesley.

PALATINE, Elector. See *Turenne, Viscount and Marshal*.

PALMER, HON. —, and HON. GEORGE COLES. Prince Edward Island, 1851. It appears, that, at an election, Mr. Palmer called Mr. Coles "a coward," for declining a challenge sent by a servant, who entered Coles's house in his shirt-sleeves. Coles demanded a recall of the offensive remark, or a meeting. The latter alternative was accepted, and the parties met. Palmer fired without effect. Coles refused to fire, and threw his pistol into the air. Palmer had held the office of Solicitor-General of the colony.

PARIS, ROBERT OF, a French baron. In the year 1097 he gave a general challenge to meet him in single combat. He com-

plained that he could meet no one who would accept his universal cartel.

PARK, J. W., and M. C. BRAZER. In California, 1854. Both members of the Legislature. Neither harmed.

PARKER, HON. ROBERT. See *Coffin, John*.

PATTERSON, —, Chief Justice of the Common Pleas, Ireland. In Barrington's time. Three duels while at the bar; one with guns, another with swords. He wounded his antagonists in all.

PAUL, Emperor of Russia. In the year 1800, and but a little time previous to his unnatural death, he published a sort of manifesto, in which the sovereigns of Europe were invited to settle their disputes, at St. Petersburg, in a combat, with Pitt, Bernstoff, and Talleyrand as seconds. The idea was grand.

PAUL, JAMES. See *Burditt, Sir Francis*.

PAULETT, Lord HENRY. See *Grenville, George*.

PAULETT, Lord. See *Marlborough, Duke of*.

PAUMIER, —. See *Sheridan, Richard Brinsley*.

PAVIA, General, and the Señor NARVAEZ. In Spain, in 1851, or early in 1852. Both gentlemen of high consideration at the Spanish court. A long quarrel existed between them. Pavia gave the challenge. Four general officers acted as seconds. Mutual explanations terminated the dispute finally, without the use of weapons.

PEACHY, A. C., and JAMES BLAIR. In California, 1852. The first a member of the legislature, the latter an officer of the navy.

PECQUIGNY, the Duke of. In England, in 1764. This personage, says Walpole, "seems a genius of the wrong sort." Lord Garlis (afterwards the Earl of Galloway) handed his partner down to supper at Lord Milton's ball, to the great displeasure of the Duke, who was "on the point of a duel," to revenge the impertinence of the English nobleman. The same year, we find him involved in an affair with Mons. Virette, "an equivocal being," with whom the Duke gambled and was a loser. Words occurred at the opera, and the Duke asked the Marquis of Tavistock to "see him fight Virette"; but the Marquis declined to

be a witness. To prevent the duel, Mons. de Guerchy sent the Duke away; but he met Virette at Dover, begged his pardon, owned himself in the wrong, and then fought him. The combat was with swords, and the Duke received four wounds in the arm. The titled "genius of the wrong sort," and the "equivocal being" returned to London, "with their honors as white as snow."

PEEL, SIR ROBERT, Prime-Minister of England, and DANIEL O'CONNELL, the Irish "Liberator." Probably about the year 1830. The offence was on the part of O'Connell, while Peel was Secretary for Ireland, and consisted, it is believed, in the flippant remark, that the Secretary was "the son of a cotton-jenny." The fact of an agreement for a hostile meeting became public, when the authorities interposed; but the engagement was renewed, and some place on the Continent designated. As, however, O'Connell was arrested in London, and held to bail, they did not meet.

PELLEW, EDWARD, and THEOPHILUS WALSH. At or near Paris, in 1819. Both were officers in the British army, and in the same regiment. Pellew was killed; he was of the noble house of Exmouth.

PENDLETON, NATHANIEL. See *Hamilton, Alexander*.

PENNANT, PETER, an officer in the army of Anne, Queen of England. Challenge to Sir Thomas Prendergast. Sir Thomas was Colonel of Pennant's regiment, and was invited to a combat, it would seem, without any specific offence, but on the general ground of that officer's "disgust." The call was declined, when Pennant resigned his commission.

PENNINGTON, Captain. See *Tolemache, John*.

PENRUDDOCK, GEORGE. In 1557. He was standard-bearer under the Earl of Pembroke, in the army of Queen Mary. In the battle of St. Quintin he engaged in single combat with a French nobleman, and gained much renown for his victory over him. His second son bore the title of Sir Edward Penruddock.

PEPE, General, and General CARASCOSA. In England, in 1823. They met near Kew bridge, with swords. Pepe disabled his opponent by a thrust in the right shoulder.

PERCY, EDWARD. See *Constable, Philip*.

PERRY, OLIVER H., captain in the navy of the United States. See *Heath, John*.

PERRY, —. See *Bynum, —*.

PERRY, —. See *Soule, Neville*.

PETIT, JOHN, and GEORGE ROUSSELL. Near Bologne, in 1851. The parties were Frenchmen or Belgians, but lived in England. They went to the Continent, with seconds, under a written agreement to fight a *duel à mort*, or a duel in which one should fall. The first fire was to be at twenty-five paces, the second at twenty, the third at fifteen; and thus reducing the distance at each fire five paces, they were to grapple, at last, breast to breast. Petit was shot through the heart, at fifteen paces; his dead body was left on the field.

PETTIS, SPENCER. See *Biddle, Thomas*.

PEYTON, SIR ROBERT. Challenge, in 1681, to Mr. Williams, Speaker of the House of Commons. Sir Robert, "having been brought upon his knees," and expelled the House of Commons, sent a message to the Speaker, who, instead of answering it, complained to the Council. Sir Robert was committed to the Tower.

PHILIP II., King of France. Challenge, in 1196, to Richard I. ("of the lion heart"), King of England. Philip proposed that each should select five champions to fight in lists, for trial of all matters of controversy between them. Richard accepted the offer, on condition that either king might be of the number. To this Philip objected. The quarrel dates from 1191, when both kings were engaged in the Crusade; they took the city of Acre, when Philip returned home in anger. Open war was declared between the two kingdoms in the year 1194.

PHILLIPS, Captain, and — SHEPPARD. Both were officers in the British service in India, and were in garrison at Bombay. The two gentlemen quarrelled about a very trivial matter, and, after weeks of correspondence, agreed upon terms of a duel. They fought at night, by the light of a lantern held by a black servant, and without seconds. Phillips was killed on the spot. Sheppard was tried, and convicted of manslaughter. Phillips was the offender, one witness stating that he "thought" he had heard him speak lightly of Sheppard, on some occasion or other.



PHILLIPS, Captain. See *Sterne, Roger*.

PHILLIPS, CHARLES, the Irish orator, and MR. HENRIKZ. In 1819. A wordless affair. They met, exchanged shots, shook hands, and parted.

PHILLIPS, HENRY. See *Woodbridge, Benjamin*.

PHRYNON. See *Pittacus*.

PICON, MONS. See *Soule, Pierre*.

PIERSON, ——. See *Cannon, ——*.

PISCATORY, MONS. See *Aguesseau, Mons. Segur &c.*

PITT, the Right Honorable WILLIAM, Prime Minister of England, and GEORGE TIERNEY, a member of Parliament, Treasurer of the Navy, President of the Board of Control, and Master of the Mint. In 1798, on Putney Common. During a debate in Parliament, Pitt imputed factious motives to Tierney, and said that his course proved "intemperate rashness rather than personal courage." Two shots were exchanged without effect on either side. Pitt fired a third time in the air, when the parties separated.

PITTACUS, of Mitylene, and PHRYNON, general of the Athenian army. Before Christ, the year 547. The inhabitants of Mitylene, being at war with the Athenians, placed Pittacus in command of their forces. To spare the blood of his countrymen, he offered single combat to Phrynon, who accepted, and was slain.

PIZARRO, HERNANDO. See *Alvarado, Don Diego*.

PLOWDEN, Captain, of the family of Plowdens of Plowden, Northamptonshire, England. He was killed in a duel, previous to the year 1829. His father was an eminent chancery barrister, and author of a History of Ireland; one of his sisters married Lord Dundonald.

POLAND. In 1851. At Posen, a Polish school-boy, seventeen years of age — the account is — shot a school-fellow of thirteen, in a duel, and was condemned to eighteen months' imprisonment. Three other boys, between the ages of thirteen and fifteen, who acted as seconds, and umpire, were tried, and acquitted.

POLIGNAC, the Countess of, and the Lady DE NESLE. In

France, during the last century. These noble ladies, rivals in love, actually fought with pistols, for the honor of the possession of the handsome Duc de Richelieu.

POLYNICES, Prince of Thebes. See *Eteocles*.

POMFRET, the Earl of. According to Walpole, his lordship, in his freaks of madness or insanity, imagined that he was often insulted; but he generally selected such persons to answer "as looked unlikely to resent," and would refuse his calls. At one time, he indulged the habit of inviting "gentlemen in the play-house, who he pretended had made faces at him." Once, unfortunately, he fixed upon General Moyston, for having laughed at him at Court, and demanded a meeting in Hyde Park. The General "denied having ever seen him there." "O then it is very well," said Pomfret. "No, it is not," replied Moyston. "You have disturbed me when I had been in bed but three hours, and now *you* shall give *me* satisfaction." The Earl begged to be excused. Walpole relates, also, that a Mr. Robinson used to say publicly that he often got Lord Pomfret as far as Hyde Park Corner, but never beyond.

After an interval of several years, the Earl's mania for challenging persons by whom he fancied he had been wronged returned. In 1780 he gave an invitation to the Duke of Grafton for an affront offered to him a long time previously, and while his Grace was a minister of the crown. The Duke declared his innocence, and put him off; but he came back two days afterwards, and in a second message renewed his demand for satisfaction. The Duke, instead of fighting, turned him over to a magistrate.

PONTGIBAUD, Mons. See *Bouteville, Count Francis de*.

POPE, HENRY C., and JOHN T. GRAY. In Indiana, 1849. Both were citizens of Louisville, Kentucky. Pope had been a captain in the army of the United States; he was the challenger. Gray selected shot guns, loaded with single balls, at twenty paces. Pope fell, mortally wounded: he was placed on a bed, and carried homeward in a boat: he expired before the boat arrived at Louisville.

PORTER, THOMAS. See *Bellasses, Sir Henry*.

POTEMKIN, a Russian Prince and Field Marshal, and ALEXIS ORLIFF. Probably soon after the year 1776. These person-



you don't beat a retreat in less time than it takes old Heath to hang a Tory, you are a gone dog." The officer turned and fled.

The second was with a British officer, and a prisoner on parole. Offended at some remarks of the General, a challenge was given and accepted. As the challenged party, Putnam, agreed to select the weapon, and appear at a place which he named, with arms for both. The officer found him there, seated near a barrel, — apparently containing powder, — smoking his pipe.

The General requested him to take a seat on the other side of the cask ; and, remarking that "there was an equal chance for both of them," set fire to a match which communicated with the contents of the barrel. The officer looked at the match a moment, as the fire approached the supposed powder, and then departed.

As he retired, Putnam exclaimed : "You are just as brave a man as I took you to be ; this is nothing but a barrel of onions, with a few grains of powder on the head, to try you by. But you don't like the smell."

QUELUS, —. See *Anraguet*, —.

RADCLIFFE, ROBERT, of Foxdenton Hall, County of Lancaster, England, and a captain in the Duke of Monmouth's regiment, and —. In 1685. Radcliffe was slain, and his remains buried in Talton Chapel.

RAMSAY, DAVID. See *Rea*, Lord *Donald*.

RAMSAY, Sir GEORGE, and Captain MACRAE. I suppose, in the latter part of the last century. Sir George fell ; leaving no issue, he was succeeded by his brother, who died in 1807.

RANDALL, —. See *Fox*, —.

RANDOLPH, JOHN. See *Clay*, Henry.

RAWDON, Lord. See *Richmond*, Duke of.

REA, C., and W. P. EVANS. In 1854, in Mississippi, with rifles. The former an editor ; the latter a lawyer. Evans the challenger. At the third or fourth fire Rea was shot in both thighs.

REA, DONALD, Lord, and DAVID RAMSAY. In 1631. This was a judicial duel. The arrangements were made by the Lord

High Constable and Earl Marshal of England. But King Charles revoked his commission, and effected an accommodation without bloodshed.

READY, W. G., and A. L. SNOWDEN. In Pennsylvania, in 1854, with rifles. Both students of Jefferson College. Ready the challenger.

RECALDE, DON INIGO DE. See *Loyola, Ignatius*.

RECTOR, Colonel WHARTON. See *Conway, General*.

REED, General. See *Allstons*.

REED, Judge. See *Brooks, Walter*.

REEVE, ZEPHANIAH. Challenge, probably about the year 1734, to Robert Henley, afterwards Lord Keeper, Lord Chancellor, Baron Henley, and Earl of Northington. Reeve was a Quaker; and provoked and offended at Henley's course of cross-examination while he was on the stand as a witness in a court at Bristol, he so far forgot the pacific tenets of his sect, as to send him a message, after the manner of the world, demanding honorable satisfaction, or an apology.

Henley "was by no means wanting in courage, but, sensible that he had exceeded the bounds of professional license, and anxious to escape the ridicule of going into the field with such an antagonist, very readily adopted the latter alternative." The "broad-brimmed" duellist dined with Henley, after he became Lord Chancellor, in company with a party of noblemen and members of the House of Commons, when his Lordship related the story, to the great diversion of his guests.

RETZ, Cardinal de, of France. He flourished in the seventeenth century, when, according to his own account, challenges passed at the altar among officiating priests of noble birth. His amours and affairs of honor were numerous. After taking orders, and while known as the Abbé de Gondil, he was engaged in two duels in one day.

RIBAUMONT, EUSTACE DE, a French knight. See *Edward III, King of England*.

RICHARD I., King of England, surnamed "*Cœur de Lion*." Challenge, in 1191 or the year following, to Isaac, Emperor of Cyprus. In battle, Richard, dashing into the ranks of the enemy, where Isaac was conspicuous by his gilded armor and royal in-

signia, cried out, "What ho! lord Emperor! Come, if thou darest, and meet me hand to hand." But Isaac turned the rein of his horse, and fled in advance of his flying army. (See also *Philip II. of France.*)

**RICHARD II.**, King of England. Two challenges; one in the day of power, the other in his fall. The first to Charles, King of France, towards the close of the fourteenth century. Richard claimed the French crown, and proposed to terminate the controversy with his rival, first, by a personal combat between themselves; second, by a combat between themselves, with three of their uncles on each side; or, third, by a general battle. But Charles disliked all, and accepted of neither. In the year 1399 the monarch was imprisoned and deposed. In the Tower, previous to resigning the crown, he had an interview with the Duke of Lancaster (who succeeded him as Henry IV.) and with several other noblemen. After a fierce quarrel with the Duke Aumerle, who called Richard "a liar," and threw down his bonnet as a defiance, the fallen king turned to Henry, and asked, "Why am I in confinement, and under a guard of armed men, and what do you mean to do with me?" Henry replied, "You are my lord and king, but the Council of the realm have determined to keep you in confinement till the decision of Parliament." Richard, swearing a great oath, demanded his wife: told in answer, that he could not see the Queen, he indulged in the most passionate exclamations; and finally, casting his bonnet at the feet of the nobles present, as a gage, offered to fight any four of them. His challenge was not heeded.

**RICHARD III.** and the Earl of **RICHMOND**, who succeeded as Henry VII. Battle of Bosworth, in 1485. Ere the field was lost, Richard determined to engage his rival in single combat, in the hope that the death of either would decide the day; and, having slain Sir William Brandon, the Earl's standard-bearer, and dismounted Sir John Cheyney, he finally executed his purpose so far as to commence the contest, which, fortunately perhaps for the Earl, was interrupted by Sir William Stanley, who with a body of troops surrounded the tyrant, and put an end to his guilty life. Shakespeare refers to the incident in the well-known passage, in which Richard speaks for the last time:—

"Slave, I have set my life upon a cast,  
And I will stand the hazard of the die;

I think there be six Richmonds in the field ;  
 Five have I slain to-day, instead of him :—  
 A horse ! a horse ! my kingdom for a horse !”

RICHARDSON, THOMAS R., of Ohio, and ——. Richardson was a lieutenant in the United States army, and was killed.

RICHEBOURG, Mons., an officer of dragoons in the army of France. A duellist of much notoriety. His career as a military man was at last interrupted, and he was compelled to abandon Europe. He came to America about the year 1716, and his name appears at that period in the annals of Louisiana.

RICHELIEU, LOUIS FRANÇOIS ARMAND DE PLESSIS, Duc de, Marshal of France. An extraordinary being from first to last. While an infant (in 1696) he was so small and feeble, that his life was preserved by keeping him in a box filled with cotton. As he grew to manhood, he acquired the showy graces which captivate persons of frivolous minds, and became the darling of the ladies of the French court, and some of them fought duels for the possession of his person. Richelieu was destitute of honor, morals, and religion : he was a reckless duellist, and a systematic and heartless seducer. In a word, he was one of the most profligate and corrupt men of the profligate and corrupt courts of his times. But he lived until the year 1788, and to the age of ninety-two.

His duel with the Count de Gace, in 1716, was among his earliest and desperate encounters : both parties were committed to the Bastille. His licentious pleasures “were now and then” interrupted by affairs with the sword, for a considerable part of his subsequent career. While an inmate of the Bastille, the *third* time, in 1719, and for a political offence, female influence obtained his removal from a dungeon to comfortable apartments, and permission to take a daily walk on the top of his prison. As he paced the ramparts, a procession of elegant carriages, filled with women,—the high-born dames of France,—who notoriously were or had been his mistresses, passed slowly backward and forward in front of the spot where he was, and an intercourse of signs was kept up between him and these unscrupulous fair ones, until the hour allotted expired. Six years later, when restored to favor, and sent ambassador to Vienna, the horses of his retinue (of seventy-five carriages) were shod with silver, in such a manner as that the shoes should fall off, to be

picked up by the populace. And yet Richelieu was an ignorant man, and could not even spell correctly.

**RICHMOND, Duke of, and Lord LAUDERDALE.** In England, 1792. His lordship, a few days previously, fought with General Benedict Arnold.

**RICHMOND, Duke of, and the Duke of YORK.** At Wimbledon, England, in 1789, with pistols. The Duke of Richmond at this time was known as Colonel Lenox. The difficulty related to some words said to have been spoken at Daubigny's Club, of which Lenox required of his royal highness an explanation or retraction. The Duke of York refused, but expressed a willingness to waive the privileges of his rank. The two noble combatants were accompanied to the ground by Lords Rawdon and Winchelsea, who certified that "both behaved with the utmost coolness and intrepidity." At the word "Fire!" Lenox obeyed, and his bullet grazed the hair of the royal Duke, who discharged his weapon in the air.

Mr. Rush (when Minister from the United States to England) was told by Mr. Coke, that the Queen, on the evening following the duel between her son and Lenox (as related above), "met the latter in one of the court circles, and was more than usually gracious, offering him her hand as she first addressed him."

The affair with the Duke of York, according to Barrington, involved Lenox in another duel. It seems that Theophilus Swift, an Irish lawyer who practised in the English courts, took it into his head that the meeting in question was a personal offence to every gentleman in England, and that every man who loved the reigning family was bound to challenge Lenox, until he should be killed. Acting upon this strange conceit, he sent a message to Lenox, for having the arrogance to fire at the king's son. Lenox had never seen or heard of Swift, but still accepted the call. In the combat, the barrister was shot through the body; was carried home; made his will; expected to die. But he recovered; and a guest at the first levee of Lenox (who meantime had succeeded to the title of Duke of Richmond) as the Lord Lieutenant of Ireland,\* he said, on being presented, that "the

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\* He was appointed to Ireland in 1807, and was then a general in the army, and enjoyed great popularity in the service: subsequently, he was Governor-General of British America, and died at Montreal, Canada, in 1819.



last time he had the honor of waiting on his grace, as Colonel Lenox, he received better entertainment, for that his grace *had given him a ball!*" "True," replied the Duke, with a smile, "and now that I am Lord Lieutenant, the least I can do is to give you a brace of them"; and in due time Swift was invited to attend two balls at his grace's palace.

RICHMOND, Earl of. See *Richard III.*

RIDGWAY, ROBERT. See *Davis, S. G.*

RIKER, R. See *Clinton, De Witt.*

ROBERT, Prince. See *William the Conqueror.*

ROBINUS NOVELLUS. See *Galeazzo.*

ROCHESTER, JOHN WILMOT, Earl of. The witty and profligate nobleman and poet, according to Dr. Johnson, "was reproached with slinking away in street quarrels, and leaving his companions to shift as they could without him": and he adds, that "Sheffield, Duke of Buckingham, has left a story of his refusal to fight him."

ROGAAR, HERMAN. See *Trenck, Baron Frederic.*

ROHAN, Chevalier de. See *Voltaire.*

ROLLIN, MONS. LEDRU, and MONS. DEUJOY. In France, 1849. The former fired: the pistol of the latter "hung fire": the seconds interposed.

ROMAN, CHARLES, and W. H. BOWLINGLY. In 1854, near Mobile. The latter wounded; the former son of ex-Governor Roman.

ROMILLY, SIR SAMUEL. See *McNamara, John.*

ROPER, Colonel, and Lieutenant WILLIAM POE PUREFOY. In 1794. Purefoy was an officer in Roper's regiment, and for some excesses on a festive occasion was severely reprimanded. The Lieutenant resented this so much, that the Colonel felt compelled to transfer the case to a court-martial. The result was, that the court dismissed Purefoy from the army, and rendered him incapable of serving again: the sentence was read in his presence, at the head of the regiment. More indignant than ever, he went to the colonel, and told him that he was a coward, a ruffian, and a scoundrel; and afterwards, on the same day, asked him to agree to a meeting, and shook a whip over his

**head.** Roper, finally, and by advice of those who represented that Purefoy no longer belonged to the army, and maintained the standing of a gentleman, sent a hostile message. They accordingly met. Roper was shot dead on the field. Purefoy was tried and acquitted.

**ROSE, STEPHEN,** of Georgia, and ——. At Washington, Mississippi, in 1810. Rose was an officer in the army of the United States, and was slain.

**ROSSI, ——,** son of Count of. See *Canino, Charles Bonaparte, Prince of.*

**ROSSLYN,** Earl of. See *Boswell, Sir Alexander.*

**ROTHSAY,** Duke of. Challenge to King Henry IV. of England, I suppose in the year 1410. Henry had invaded Scotland. Rothsay's cartel was to meet the monarch in personal combat, with three hundred, two hundred, or one hundred nobles on each side. Henry declined.

**ROWE, EDWARD.** See *May, Colonel.*

**RUGGLES, ——.** See *Harris, John S.*

**RUMIGNY,** General. See *Dulong, Mons.*

**RUSSELL, A. C.,** and Captain FOLSOM. In California, 1851. Two shots exchanged. The affair settled on the ground, by advice of Captain Marcy, one of the seconds.

**RUSSELL, GEORGE.** See *Petit, John.*

**RUST, Colonel,** and Judge SRIDGER. In California, 1853. The first, editor of the *Express*, the latter of the *Herald*, newspaper. Stidger was slightly wounded.

**RUTHERFORD and CAHILL.** In Scotland, in 1811. They were officers in the same regiment; the former a captain, the latter a surgeon. Cahill, contrary to the regulations of the mess, and when unwell, carried a file of newspapers to his room. This caused a trifling dispute at the mess. Cahill, when informed of this by a friend of Rutherford, laughed, and said, "the complaint must have arisen from personal pique," and when pressed to explain his meaning, he added, that "he *believed* that Rutherford had a personal pique against him." The captain was offended, and, as Cahill offered no explanation, a meeting was arranged for the same evening. They fought "in a quarry, or

some such miserable place," attended by two very young men as seconds. On the ground, Cahill was afforded an opportunity to apologize. He refused. Rutherford fell, mortally wounded. Cahill was tried and acquitted.

RYS, HOWELL AP. See *Griffith of Gronow*.

S. and L. In 1780. The former a lieutenant, and the latter a volunteer, in the army of the Revolution. Mr. L. fell, and instantly expired.

SACKVILLE, Lord GEORGE, and Governor GEORGE JOHNSTONE. In England, 1770, in Hyde Park, with pistols. Johnstone called his lordship "a coward" in the House of Commons. Sackville was accompanied by the Hon. Thomas Townshend; Johnstone, by Sir James Lowther. Two shots exchanged; one of Johnstone's balls struck his antagonist's pistol.

SACKVILLE, SIR GEORGE. See *Bruce, Lord Edward*.

SALADIN, or SALAHEDDIN YUSEPH BEN AYEY, Sultan of Egypt and Syria, in the twelfth century, and in the time of the Crusade. Challenge to RICHARD I. of England, to meet him in single combat, between the two armies, to decide at once their pretensions to the Holy Land.

The story is a fable, but its author designed it for a veritable narrative. It finds a place in these pages, as some other legends have done, to relieve the reader from the continual perusal of the real and the sad.

The tale, related in the fewest words, is this: that Saladin, with his defiance, sent Cœur de Lion the present of a war-horse, which he supposed that monarch would ride in the expected duel; that this horse was the foal of a mare which Saladin himself intended to ride; that both animals, by means of conjurations, were possessed of devils, which devils were to insure the Saracen the victory: for the mare was instructed to neigh, and the foal at the neighing was taught to kneel and suck her. But the devils were outwitted. An *angel* warned Richard in a dream of the plot devised for his destruction, and not only so, but drove the devil out of his horse; and, to make everything sure, filled the animal's ears with wax, so that it could not hear. With an evil spirit on one side, and a good spirit on the other, the Saracen and the Briton met in deadly encounter. At the decisive moment, Saladin's mare "neighed till she shook the ground for miles around"; yet Richard's horse did not obey the

signal. The result was, that Saladin was dismounted and narrowly escaped with his life ; while the Christians made awful havoc in his army.

SANDS, JOSHUA. See *Bassett, Willis H.*

SARGENT, —. See *Wyer, James.*

SARTIGES, MONS., Minister of France to the United States. See *Barney, John.*

SARTORIOUS, SEÑOR, and SEÑOR GOMUSIO. In Cuba, in 1854, with swords. Both wounded. The first, postmaster at Havana ; the latter, an officer of the customs. The Captain-General, displeased with their conduct, sentenced them to imprisonment in the Moro Castle, and to suspension from office for a short term.

SCHAFER, Captain. See *Wethered, S.*

SCHOOLER, WILLIAM, of London. He wounded his antagonist in a duel, and fled to Holland ; but came finally to Massachusetts, leaving his wife in England. In America he led a vicious life. A particular offence brought his career to an end. Undertaking to conduct Mary Sholy — a poor maid — from Newbury to the Piscataqua River, he abandoned her to perish. It was believed that he violated and murdered her. He was executed in Boston, in 1633. "There were some ministers and others," says Winthrop, "who thought the evidence not sufficient to take away his life."

SCOTT, —, editor of the *London Magazine*, and MR. CHRISTIE, barrister at law. In England, 1821. The quarrel was originally between Mr. Scott and Mr. Lockhart. The latter, offended at some of Scott's literary articles, made a call for a hostile meeting, which was declined, without a previous denial that Lockhart was the editor of *Blackwood's Magazine*. In the course of the difficulty, a misunderstanding arose between Scott and Christie, who was Lockhart's intended second. This resulted in a duel at Chalk Farm *by moonlight*. Scott was mortally wounded. A coroner's jury found a verdict of wilful murder. The survivor and the seconds were tried and acquitted.

SCOTT, GIOVANNI, and —. Near New Orleans, in 1853. Scott was wounded in a duel with knives, was carried to the Charity Hospital, where he partially recovered, and was discharged. He returned and died.

SCOTT, WILLIAM H. See *Smith, Peter*.

SCOTT, WALTER, Laird of Raeburn, and PRINGLE of Crichton. In Scotland, year 1707. Scott was slain. His family is a branch of the family of Scott of Harden, immortalized by giving birth to the author of *Waverley*.

SEATON, Colonel. See *Gustavus II., King of Sweden*.

SEGUR, Count. See *Gourgaud, Baron de*.

SFORZA, FRANCESCO, Duke of Milan. Challenge to GENTILE LEONISSA, general of the forces of Venice. In the year 1452. The two countries were at war. A campaign had been wasted in manœuvres, in which each commander exhausted his skill in eluding the other; when Sforza despatched a herald to the Venetian camp, bearing a bloody gauntlet, and an invitation to a pitched battle. The cartel was formal, and was formally answered. The defiance was accepted, and the herald returned with two gauntlets and two lances dipped in blood, as pledges of Leonissa's faith. Arrangements were made as for a combat in the lists, and in accordance with the rules of chivalry. But no battle occurred. Sforza displayed his line on the appointed ground, on the appointed day; but could not see the troops of Venice, because of a dense fog, and could not advance, because of a heavy rain; yet he claimed the victory. Retiring to his quarters, he suspended Leonissa's gauntlets on a column which he erected on the plain. But his whole claim as victor rested on his offer to fight, in his message by the herald.

SENE, HOWELL, and OWEN GLYNDER. Two Welch chieftains, who, in their extreme enmity, met in single combat. Sene was slain; the hollow tree in which his body was concealed stood until 1813. A descriptive poem, entitled *The Spirit's Blasted Tree*, by the Rev. Mr. Warrington, is printed in the Notes of Scott's *Marmion*, to illustrate a passage in the introduction to the sixth canto.

SEVIGNE, the Marquis de, of France, and —. In 1651. Sevigne was slain; his wife, Maria de Rabutin, a French woman of rank, refused to marry again, and devoted her life to letters, and to the education of a son and daughter.

SHAFTESBURY, Earl of. See *Mornington, Earl of*.

SHELBURNE, the Earl of, and MR. FULLARTON, member of Par-

liament. In England, 1758. A political tract, and the result of an altercation in Parliament. There are different versions of the cause of offence. William Lee wrote JOHN ARBUTHNOT that the ministerial party seemed "to be getting the better of the opposition party at home, which it supposes they are determined to do either by fraud or violence, as the papers will tell you how narrowly the life of Lord Shelburne has escaped one of the Scotch assassins."

The editor of *Hornet Waquist's Letters to Sir Henry Mann*, states that Mr. Fullarton, "after being Lord Shafton's private secretary at Paris, was elevated to the rank of Lieutenant-Colonel in the army, and appointed to the command of a newly raised regiment"; that Lord Shelburne "animadverted severely on the circumstance in the House of Lords, and in the course of his speech, designated Mr. Fullarton as a mere clerk, a commons"; that the latter complained of the insult in his place in the House of Commons; and that, "the House declining to proceed upon it, a combat took place in Hyde Park."

Mr. Fullarton's complaint to the Commons, according to another writer, was substantially as stated in the account last quoted, except that the aggrieved gentleman further said, that the Earl had declared that "a clerk ought not to be trusted with a regiment."

The version of the *Hibernian Magazine*, of the time, is, that Mr. Fullarton complained of the *ungentlemanlike* behavior of the Earl of Shelburne, "who," he affirmed, "with all the aristocratic insolence that marks that nobleman's character, had in effect *dared* to say, that he and his regiment were as ready to act against the liberties of England as against her enemies."

Mr. Fox, in interrupting Mr. Fullarton's invective against the Earl, referred to the impossibility of knowing whether the words so bitterly commented on were really spoken or not; and protested against the course the affair had taken, which, if continued in that body, would put an end to all freedom of debate; for, if it were once admitted as a principle, that a personal affront was offered to gentlemen whenever their names and conduct were mentioned, the most essential of all the rights of Parliament would be lost.

The hostile meeting occurred two days afterwards. Mr. Fullarton was attended by Lord Balcarras; the Earl, by Lord Frederick Cavendish. The first fire was without effect; at the second, Mr. Fullarton's ball passed through some paper in the Earl's pocket, and lodged in his thigh. Mr. Fullarton, seeing

that his lordship was wounded, advanced and demanded a concession. The Earl, who had not discharged his second pistol, replied, that "he did not come there to make concessions," and desired Mr. Fullarton to take his position again. As soon as the latter had resumed his place, the Earl fired his weapon in the air. The seconds then interposed.

Sir James Lowther, on the afternoon of the day of the duel, called the attention of the House to the subject, on the ground assumed previously by Mr. Fox; and proposed an inquiry, with a view of putting an end to combats between the members, in consequence of words uttered in debate. The discussion was continued by gentlemen on both sides, in a manner so excited that Mr. Fox and an official personage of rank were nearly involved in a quarrel; but it terminated without any definite action on the part of the House, as proposed by Sir James.

Lord Shelburne, on his recovery, received many flattering congratulations from different parts of the country. The duel between Mr. Fox and Mr. Adam was still fresh in the public mind: and, so rapidly followed by another, gave some countenance to the apprehension, both in and out of Parliament, that political differences of opinion were to be settled quite too often with the sword and the pistol. There was a singular coincidence in the two affairs. Both were for similar cause. While, relates Walpole, "The Earl was wounded in the groin, just where Charles Fox was, on which Sir George Saville said wittily, that Nolan and Fullarton had tried not only to cut off them, but their posterity. It was odd that the same pistol gave both wounds, for Adam had borrowed Fullarton's."

SHEPPARD, —. See *Phillips, Captain*.

SHERIDAN, RICHARD BRINSLEY, and Captain THOMAS MATHEWS. In England, 1772. Two duels. The principal incidents are as follows. Sheridan's brother Charles loved Miss Linley. Mathews, who was a married man, persecuted her with dishonorable addresses, and finally, as a means to accomplish his vile purposes, threatened to ruin her reputation. The terrified girl confided her distresses to Richard Brinsley, who, it now appeared, cherished an honorable passion for her himself. She resolved to seek refuge in France in a convent; Sheridan, if not the adviser, became the partner, of her flight. Soon after their arrival upon the Continent, they were married near Calais.

Charles Sheridan, on hearing of the course of the lovers, was

angry; while Mathews was furious almost to an avowal of the designs which he had entertained, and which were frustrated by the elopement. Sheridan and his bride soon returned to England. Meantime, Mathews nearly involved himself in a duel with Charles. A formal challenge was sent by Richard Brinsley, which was accepted. The parties met, attended by Mr. Ewart and Captain Knight, in the room of a public house, in the evening, with swords. Mr. Ewart, Sheridan's friend, "took lights up in his hands," and, directly after entering the apartment, the combat commenced. In Sheridan's account of the affair, he states that Mathews called out twice or thrice, "*I beg my life*";—a fact which the Captain denied. Sheridan says also, that Knight, as soon as the combatants were parted, remarked, "*There, he has begged his life, and now there is an end of it.*" A controversy ensued before the parties separated, and Sheridan broke his antagonist's sword, "and flung the hilt to the other end of the room."

Mathews retired to his estate in Wales, and "found himself universally shunned." Mr. Barnett, a gentleman who resided near him, commiserating his condition, advised a second meeting, and offered to bear a message. Mathews accepted the overture, and Barnett posted at once to Bath, when the terms of another duel were speedily arranged.

Mathews was attended by Barnett, and Sheridan by a young gentleman of the name of Paumier. They met at Kingsdown, about four miles from Bath, in the morning, "before it was quite daylight." The fight was severe, perhaps disgraceful. "Both their swords breaking upon the first lunge, they threw each other down, and with the broken pieces hacked at each other, rolling upon the ground, the seconds standing by, quiet spectators." Sheridan received several wounds in his breast and sides, and was dangerously hurt. Mathews escaped with a single and a slight wound. In this affair, as in the first, the parties did not agree in their statement of facts, and published contradictory accounts; though, in the last, the narrative drawn up by the second of Mathews appears to have met the concurrence of Paumier, except in a "few immaterial circumstances." In this narrative, Barnett states that, after Sheridan's sword was broke, Captain Paumier called out to him, "My dear Sheridan, beg your life, and I will be yours for ever"; to which, and to a similar request from Barnett himself, Sheridan replied, "*No, by God, I won't.*" The nature of the second combat sufficiently



appears from Barnett's discourse about Mathew's disengaging his sword from Mr. Sheridan's body ; by the relation of another wound against one of Sheridan's ribs or breast-bone ; by the account of the closing ; of the tripping up of Sheridan's heels ; of a skin wound or two in his neck ; of the beating in his face, either with the fist or the hilt of a sword, &c., &c.

**SHREWSBURY**, the Earl of, and the Duke of **BUCKINGHAM**. In England, year 1668. Persons of rank have sometimes been, are, very corrupt ; but the details of this duel are almost too monstrous for credence. The Duke's career was filled with intrigues, amours, and other deeds of profligacy ; and at least one of the objects of his licentious indulgence was, it would seem, as debased as himself. In consequence of adultery with Lady Shrewsbury, he met her husband in single combat. Sir Jones Jenkins, Captain Holman, Lord Bernard Howard, and Sir John Talbot, were the seconds. These four gentlemen fought, as well as their principals. Not one of the six combatants escaped unharmed. Shrewsbury and Jenkins were killed ; Talbot was severely, and Buckingham, Holman, and Howard were slightly, wounded.

Buckingham and Lady Shrewsbury had lived in open adultery ; and the account is that, during the duel, in the dress of a page, she held her paramour's horse in a thicket near by, to insure speedy and successful flight, in case he should succeed in slaying her husband. It is said, too, that she was conveyed to Buckingham's house, was introduced by him to the Duchess ; that she went to his bed the very night which followed the fatal meeting, and slept with him, he wearing the shirt in which he fought, stained with his own and Shrewsbury's blood.

**SIDNEY**, **SIR PHILIP**. Challenge to the Earl of Oxford : according to one authority, in the year 1573, but probably about 1580. The Earl, a favorite of Queen Elizabeth, and a son-in-law of her minister, Burleigh, presuming on his position, called Sir Philip " a puppy," at a tournament, in presence of the French ambassador. Sidney replied, that " all the world knew that dogs were the parents of puppies," and added his defiance. The Earl was disinclined to fight. The Privy Council attempted to adjust the difficulty ; but Sidney insisted upon an apology or a duel, and the effort failed. The Queen was then made acquainted with the case, and interposed her commands. In her interview with the insulted Sidney, she reminded him of the

"difference between earls and private gentlemen"; to which he said that, though Oxford was "a great lord, yet he was no lord over him."

Displeased with the course of the Queen, Sir Philip retired to the country, and amused himself with the composition of the celebrated romance of *Arcadia*. But he returned to court, and was distinguished in jousts and tournaments.

SIMONS, Colonel MAURICE, and Major WILLIAM CLAY SNIPES. In 1786, in the United States. Snipes was the challenger: Simons had given testimony in a court of justice which offended him. Simons was killed. Snipes was tried for murder, and convicted of manslaughter. At the trial, one of the judges said, that the challenge was for "a most unwarrantable cause"; and another, that he considered the "crime as amounting to murder"; but these opinions were disregarded by the jury, under the powerful appeals of Snipe's counsel.

SINGER, —. See *Smith*, —.

SKELTON, FRANK, "a boisterous, joking, fat young man," and an exciseman. In Ireland, about 1783. The exciseman (as Barrington relates the story) put the but end of a whip down Skelton's throat, while that worthy was drunk, and asleep with his mouth open, at table; and, insisting that *snoring* at dinner was a personal offence to every gentleman of the company, would make no apology.

Skelton was unwilling to fight; the exciseman, said he, "can snuff a candle with his pistol-ball; and I am as big as a hundred dozen of candles." But there was no escape for the "fat young man." They met on the green of Maryborough, in the presence of hundreds of the town people. The seconds gave each of the combatants a brace of pistols. Skelton cocked and fired the two in his hands, before the exciseman could discharge one, and inflicted a wound each fire; and having performed this valorous feat, fled; but was pursued by his second, and dragged back. The exciseman was so badly hurt that he could not stand, and it was proposed to strap him to a tree; but the "fat young man" objected. The affair ended for the time. But the exciseman, on his recovery, sent a challenge for a second duel. As Skelton, by the rules, was entitled to a choice of weapons, he selected "*fists*"; and, said he, "By the powers, you gauger, I'll give you such a basting, that your nearest relations sha'n't know you." The exciseman disliked a fight with "*fists*."

Skelton would not change the weapon, and the matter was dropped.

SKINNER, ALEXANDER, of Maryland, a surgeon in the war of the Revolution. A man of humor, of eccentric mind and manners. In person, in love of good cheer, and in aversion to the turmoil of battle, he was not unlike Falstaff. But he had no disinclination to single combat, and killed his man in a duel. When rallied on the subject of his excessive disinclination to the din and dangers of strife by armies, and his course in defence of his honor, he used to reply that it did not become *him*, set apart as he was to take care of the sick and wounded, to ape the airs and duty of those who were in commission for the express purpose of fighting.

SMITH and MILLER, both Majors in the service of the United States. In 1827.

SMITH and SINGER. In Kentucky, 1849, with pistols, at eleven paces. The former a lawyer, the latter a schoolmaster. Both wounded. The "assembled crowd gave three cheers," as the parties quitted the ground.

SMITH, General. See *Freeman, General*.

SMITH, Lieutenant, British army. See *Downing, Lieutenant, Navy of the United States*.

SMITH, Captain JOHN, Army of the United States. See *Stuart, Colonel*.

SMITH, JOHN, the "Father of Virginia," and Lord TURBISHA, and two other Turks. Early in the seventeenth, or near the close of the sixteenth century, while Smith was in the service of Ferdinand, Archduke of Austria. During the siege of Regal, the Turks gave a challenge to any single officer of the Austrians, saying that the Lord Turbisha would fight a Christian, "for the diversion of the ladies."

The choice, in the Austrian camp, was by lot, and fell upon Smith, who fought, and slew the Turk, "within sight of the ladies" assembled on the ramparts, and carried his head to camp. Thereupon, a friend of Turbisha sent a particular defiance to Smith, who, to divert the Turkish ladies still further, accepted it, met his antagonist, and killed him also. The victor then sent a message to the fair spectators, that, if bent on still another combat for their amusement, they were welcome to his head, provided they would find a champion to take it. Bonamle-

gro accordingly appeared. In this contest Smith was dismounted, and nearly overcome; but, regaining his saddle, he inflicted a mortal wound, and was thus a third time victorious.

SMITH, J. CALET. See *Broderick, D. C.*

SMITH, PETER, and WILLIAM H. SCOTT. In California, 1853, with pistols, at eight paces. Smith was killed at the second fire. He was a son of Judge Pinckney Smith of Mississippi, an officer under Colonel Jefferson Davis in the war with Mexico, and, as is said, connected, subsequently, with Lopez in the expedition against Cuba. He was but twenty-four years of age.

SMITH, W. S. See *Clinton, De Witt.*

SMYTH, associate editor of a newspaper published at Augusta, Georgia, and DR. THOMAS, of the same place. In South Carolina, 1851. Thomas, as is stated, gave offence in an article published in another newspaper. Smyth was severely wounded at the third fire.

SNIPES, WILLIAM CLAY, Major. See *Simons, Colonel Maurice.*

SNOWDEN, A. L. See *Ready, W. G.*

SOISSONS, Count of. See *Angoulême, Charles of Valois, Duke.*

SOMERS, RICHARD, a lieutenant in the navy of the United States. A man of a mild and affectionate disposition; but it is related that he fought three duels in one day, and that, wounded in the two first, he fought the third seated on the ground. He perished in the Intrepid *fire-ketch*, before Tripoli, in 1804.

SOPHANES of Athens. See *Eurybates of Argos.*

SOTOMAYOR, ALONZO DE, a Spanish cavalier, and the Chevalier BAYARD. In the year 1503. While the French were in Apulia, Bayard defeated a Spanish corps, and made their leader, Sotomayor, prisoner. The captive cavalier was well treated; but he violated his parole by flight, and declared that Bayard had behaved uncourtously towards him. Bayard denied the accusation, and defied Sotomayor to single combat, on horse or on foot. They met on foot with sword and dagger. The Spaniard was slain.

SOULE, NEVILLE, and the DUKE D'ALBA. In Spain, 1853. The former, son of the Minister of the United States to Spain;

the latter, a connection by marriage of Louis Napoléon, Emperor of France.

Whether the *immediate* origin of this affair was in a remark of pleasantry, or in an expression of grave import, may be considered as somewhat uncertain. At a ball at Madrid, given by the Marquis de Turgot, the French ambassador, the parties to this duel, and the father and mother of Mr. Soule, were present; and the Duke likened Mrs. Soule, in her son's hearing, to one of two very different ladies in history.

One version is, that his grace said, "Look at *Margaret* of Burgundy!" another, "Look at *Mary* of Burgundy!" According to the statement of M. Alfred Mercier, the words uttered were the former; but Mrs. Soule's costume was not that of *Margaret* of Burgundy, for, says M. Mercier, "my sister wore a dress of blue velvet *decoletée* with gold lace flounces, and a *torsade* with golden tassels on her head."

The two gentlemen met with swords. Mr. Soule was attended by Colonel Milans del Bosch, and by Mr. Perry, Secretary of the American legation; the Duke, by General J. de la Concha, and the Count of Puzonostro. "After a combat of thirty minutes," says M. Mercier, "without result, the seconds intervened and declared honor satisfied; the duel ended, and the principals shook hands."

Several minute accounts of this duel are before me, but, unable to reconcile the discrepancies which exist between them, I dismiss it without further comment.

SOULE, PIERRE, Minister of the United States at the Court of Madrid, and the Marquis de Turgot, Ambassador of France at the same. In 1853, in Spain, and immediately after the affair between Mr. Neville Soule and the Duke of Alba, and for the same general cause; as appears from the following note of the American to the French minister:—

"MONSIEUR LE MARQUIS, — The difference which exists between the Duke d'Alba and my son arose in your drawing-rooms. It was in your house, I and my family being your guests, and on the occasion of a fête of which, by a sort of representation, the Duke d'Alba might consider himself the hero, that the latter took the liberty of Mrs. Soule, and up to this time nothing has reached us to exonerate you from the responsibility which this circumstance throws on you. It is even said that you first used the insulting expression so nobly taken up by my son. This being the case, Monsieur le Marquis, I have the right of going to the original source which *places the sword* in the hands of the Duke d'Alba and of my son, of making the difficulty mine so far as you are con-

cerned, and of demanding from you personally a satisfaction which you cannot refuse to me. Mr. Perry, my friend and an American citizen, is charged to receive your reply. I have the honor, Monsieur le Marquis, to be your very humble servant,

PIERRE SOULE,

A citizen of the United States."

The copy here given is that of M. Mercier. M. Gaillardet, the Paris correspondent of the *Courier des Etats Unis*, furnishes another which differs in several particulars. Two may be noticed, namely, that in which Mr. Soule is said to have written (instead of "took the liberty of Mrs. Soule," as above) the stronger words, "was permitted to insult Mrs. Soule"; and that in which the original offence is stated to have been from the Marquis; M. Gaillardet's version being, "It is stated as a fact, even that from your mouth proceeded in the first place the offensive expression afterwards employed by the Duke of Alba, and so nobly retrieved by my son." The ambassadors met with pistols. Mr. Soule's friends were General Valdes and M. Picon; those of the Marquis, Lord Howden, the British Minister at Madrid, and General Caillier, a French gentleman of the same diplomatic rank, accredited to some other court. Two shots were exchanged; at the second, the Marquis fell, severely wounded in the leg below the knee. Mr. Soule escaped unharmed. The Marquis, relates M. Mercier, "declared upon his honor, by his seconds, Lord Howden and General Caillier, that he had not used the expression imputed to him," &c. Uncertain as to the truth of other incidents, as stated in the public journals at home and abroad, I content myself with a narrative of such facts as seem to be entirely authentic.

SOUTHAMPTON, Earl of, and LORD GREY of Wilton. In 1603. James I. of England had hardly ascended the throne, before sharp quarrels arose between the nobles who surrounded him. His queen, Anne of Denmark, unwisely took part in a dissension which occurred in her presence, and which concerned the Earl of Essex. Southampton angrily retorted, "that, if her Majesty made herself a party against the friends of Essex, of course they were bound to submit; but none of their private enemies durst thus have expressed themselves."

Lord Grey, a professed foe of Essex, took the offence as personal, and made a hostile reply. The two nobles exchanged the lie, and a personal combat was likely to ensue. The Queen bade them "remember where they were," and ordered them to their apartments, under a guard. The next day they were "severely lectured by the King," and sent to the Tower.

SOUTHESK, Earl of. See *Gray, William*.

SPARLING, Lieutenant. See *Grayson, —*.

SPEAR, W. S., and JOHN KELLEY. In California, 1852. Three shots exchanged without effect on either side.

SPENS of Kilspindy, and the Earl of ANGUS. Spens was a courtier of James IV. of Scotland; and when, at table, the monarch gave high praise to Angus, "cast in a word of doubt and disparaging." The story reached the Earl's ears, and they soon after met. As the Earl rode up, he said, "What reason had you to speak so contemptuously of me, doubting whether my valor were answerable to my personage?" Spens would have excused himself, but Angus would not listen to him. "Thou art a big fellow," uttered the indignant Earl, "and so am I; one of us must and shall pay for it." Spens made reply, "If it may be no better, there is never an Earl in Scotland but I will defend myself from him as well as I can; and rather kill him than suffer him to kill me." Both alighted from their horses and entered upon a mortal strife. Spens's thigh-bone was at last cut asunder, and he died on the spot.

STAHL, Colonel. See *Tordenskiold, Peter, Vice-Admiral*.

STANLY, HON. EDWARD, member of Congress from North Carolina, and HON. SAMUEL W. INGE, member of Congress from Alabama. In 1851, near Washington, with pistols. In a debate upon the "River and Harbor Bill," Mr. Bayly of Virginia had expressed the opinion that, in the appropriations proposed, the bill was "sectional," which statement Mr. Stanly had controverted. Mr. Inge submitted an amendment, providing for the improvement of certain rivers in Alabama and Mississippi, and in some remarks which followed referred to the course of Mr. Stanly, and said: "If the South were to wait for that gentleman's warning, she would sleep in eternal unconsciousness: she would sleep until every assault was perpetrated, and until her spoliation was complete. . . . It is not from him that I should expect admonition of danger to the South." This produced a personal discussion, which, as officially reported, was in these terms:—

*Mr. Stanly.* "I have a single word to say. I do not believe the gentleman from Alabama wants the appropriation which he asks; but has offered the amendment, under the rule, that he might make an unkind and unprovoked fling at me. I do not know what I have done to incur the gentleman's displeasure."

*Mr. Inge.* "I merely stated facts and drew inferences."

*Mr. Stanly.* "The gentleman said that the spoliation of the South could take place before she would hear a warning from me. The gentleman shows that he has little sense and less charity when he charges me with being unfriendly to the South. I repeat, I am unconscious what unkindness I have done to provoke the gentleman."

*Mr. Inge.* "I did not hear the gentleman. Will he be good enough to repeat what he said?"

*Mr. Stanly.* "I say you have little sense and less charity in charging me with unfriendliness to the South."

*Mr. Inge.* "I say that that remark is ungentlemanly and unparliamentary, and comes from a blackguard."

*Mr. Stanly.* "Mr. Chairman, he charges me with being a blackguard. He has just shown to the House and to the country that he is one."

*The Chairman.* "Personalities are not in order."

*Mr. Stanly.* "No: personalities are not in order. I am willing to let our conduct be judged of by the public; and let them estimate his character and mine. As to my friendship for the South, let the record and my conduct speak, whether I have not more friendship for the South than those noisy traitors who impeach others, and seek the applause of the grog-shops at cross-roads at home by their own professions of devotion, and by crying eternally, 'There is danger, danger to the South.' Even those who voted with a majority of Southern members upon certain measures are uncharitably assailed. I regret I have been called on to say anything. I was unconscious of giving any provocation. The gentleman cast the first stone, and he will make the most of what I have said. I shall hereafter treat remarks from that quarter with the contempt they deserve."

The *National Intelligencer* gave the public the following authentic account of the hostile meeting which was caused by this discussion:—

"*Adjustment.*—In reference to the difficulty between the Hon. S. W. Inge and the Hon. Edward Stanly, which grew out of the debate of the House of Representatives yesterday week, we are authorized to state that they met each other with pistols, and, 'after an exchange of shots between the parties, the friend of Mr. Stanly advanced to the opposite party, and expressed a desire that the matter should be terminated, and, in order to arrive at an amicable settlement, stated that the remarks made by Mr. Stanly in reference to Mr. Inge were made by Mr. Stanly in reply to what he considered a gross personality on the part of Mr. Inge in his first remarks. And as the friends of Mr. Inge stated those remarks to have been political, and, as such, should not have a personal bearing, Mr. Stanly withdrew his remarks. And the above having been submitted to the principals, and by them accepted, the difficulty between them was announced as honorably and amicably settled."



STANLY, FABIVS, a Lieutenant in the Navy of the United States. In 1850. Difficulty with Commander Zachariah F. Johnston, of the same arm of the public service: A misunderstanding arose between the two gentlemen, during the Mexican war, or while they were in the Pacific, attached to the same ship. On the 27th of August, 1850, Stanly wrote to Johnston that he had sent a communication to the Navy Department, in which he had spoken of him as an officer who had "not a proper sense of the importance of character in others, nor in himself, nor of the dignity embodied in his position"; that "his vulgar associates, his dissipated habits, his street and other brawls, his boasting language," &c., &c., testified "how devoid he is of the first principles of military honor"; and he concluded his note with expressing a willingness to maintain all that he had asserted or intimated "officially or *privately*."

Stanly a day or two afterward posted, or caused to be posted, in the public hall of the National Hotel, Washington, a card, in these words:—

"I certify that Commander E. F. Johnston has this day *falsified his word* of yesterday, thereby showing that he is a coward. Captain Dupereau will confer a favor on me by informing our acquaintances generally, not only of the above, but that Captain E. F. Johnston—as I can sustain—is a braggadocio, and the ground on which I found the above."

Captain Dupereau, upon his own responsibility, added, in another card, posted in the same building:—

"I am authorized to publish Captain Johnston of the United States Navy as a *coward*. He received a challenge from Lieutenant Stanly of the Navy, and in answer to this challenge, delivered by me, he accepted it; and this evening, when I called on the gallant captain, he refused to accept it, and therefore I am of the opinion of the lieutenant, that this man is a coward."

Upon these proceedings, Stanly, in consequence of information to the Department by Johnston, was tried by a Naval General Court-Martial, in February, 1851. The charges preferred were, first, "*disobedience of orders, and conduct unbecoming an officer*;" in this,\* that, contrary to a Regulation of the service, he, "*well knowing the same*," had published "his superior officer as a coward"; second, of "*scandalous conduct, tending to the*

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\* The exact words of the different specifications are omitted, for the sake of brevity.

*destruction of good morals,"* in this, that he had posted, or caused to be posted, the two cards which precede; and third, "*quarrelling and using provoking and reproachful words to another and superior officer in the Navy,*" in this, that he wrote and sent the communication to the Department, which is substantially copied at the commencement of this notice.

The Court found the accused guilty on the three charges, and by their sentence he was dismissed from the Navy. But, strange to say, the words "*well knowing the same,*" were stricken from the first charge, which in effect was an acquittal upon that; for it seems that the "Regulation" on which it was founded, instead of being a law of Congress, was a simple order issued by the Department in 1841, and had never obtained general publicity, even in the service.

The President of the United States, in revising the proceedings, was of the opinion that the Court should have found the accused *not* guilty as to the *first* charge; and, uncertain as to the influence which an erroneous finding upon that had in their sentence, ordered the Court to reassemble and reconsider their finding, on the second and third charges. Upon a reconsideration, the Court certified to the President, that their sentence "would not have been in any degree mitigated," had they "fully and formally acquitted" the accused upon the charge in question. The President, in his final revision, adhered to his first judgment as to the erroneous finding; and "in consideration of the good character proved" by Lieutenant Stanly, "and the recommendation of a majority of the Court that executive clemency be extended to him," mitigated the sentence "to a suspension from service and pay, for the term of twelve months."

STANLEY, JOHN, and Captain CHICKLEY. In England or Ireland, about the year 1721, with swords. Stanley was the challenger. The duel was in a dark room. The police burst in, and probably saved Stanley's life, for Chickley had stabbed him entirely through the body. Stanley was the son of an officer. His father took great pains to instruct him in the art of fencing, and he became a master of the sword when a mere boy.

ST. AUBIN, Abbot of. See *Tours, Viscount of*.

STEELE, RICHARD. He wrote against duelling, in the *Spectator*; but fought an officer, "whom he narrowly escaped killing."

STERNE, Lieutenant ROGER, and Captain PHILLIPS. Probably

about the year 1725. Both were officers in the British army, and at the time of the duel were in garrison at Gibraltar. The renowned author of *Tristram Shandy* was a son of Sterne, and says that "*the quarrel began about a goose*"; and that his father "was run through the body" by the sword of his antagonist. Sterne remarks further, that, while his father survived with much difficulty, his constitution was impaired, and was not able to withstand the hardships to which it was subjected, for, sent to Jamaica, he soon fell by the country fever.

STEVENSON, ANDREW, Minister of the United States to England, and DANIEL O'CONNELL, the "Irish Liberator." In 1838. In Congress, Mr. John Quincy Adams submitted the following resolutions:—

"Resolved, That a committee of — members be appointed with leave to send for persons and papers, to inquire and report to this House,—

"1. Whether Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States at London, is or has recently been engaged in a public newspaper controversy involving his personal integrity and the honor of his country, whose representative he is, with Daniel O'Connell, a member of the Parliament of the United Kingdom of Great Britain and Ireland.

"2. Whether the said Andrew Stevenson, holding the privileged character of an ambassador, has, in concert with three other persons, citizens of the United States, one of whom, an officer in their navy, engaged in a conspiracy with intent to *stop the wind*, or, in the language of the laws of God and of man, to murder the said Daniel O'Connell in a duel, or by a premeditated provocation to a brawl.

"3. Whether the said Andrew Stevenson, after a written demand of explanation, in the form usual among duellists, as preliminary to a challenge, and with the intent to follow it up by a challenge, preconcerted with the said three other citizens of the United States, did accept of an answer from the said Daniel O'Connell equally unsatisfactory to the codes of genuine and of spurious honor, and thereby tacitly admit the truth of the imputation upon his honor, at which he had professed to take offence.

"4. Whether the said Andrew Stevenson, in these transactions, has violated the duties of his office as an ambassador of peace, the laws of nations, the laws of the land, to the government of which he was accredited, the privileges of the British House of Commons, in the person of one of its members, and the honor and interest of his own country.

"5. Whether the said Andrew Stevenson has, in these transactions, so conducted himself as to require the constitutional interposition of this House, by impeachment or otherwise."

These Resolutions were laid on the table, by a vote of 140

years to 57 days. Shortly after, Mr. Adams introduced three other resolutions upon the same subject. The first requested the President to transmit to the House of Representatives any report or communication from Mr. Stevenson relative to his controversy with Mr. O'Connell. The second asked the President to inform the House, whether he had made any call upon Mr. Stevenson to explain or account for the transactions in question; whether any instructions had been given that minister in consequence thereof; and whether any disavowal or censure of his conduct had been communicated to the British government. The third requested information of the President as to Captain Mathew C. Perry, of the navy of the United States; and whether any call had been made upon him to account for his violation of the laws of nations, of his own country, &c., &c. by his participation, with other citizens of the United States, in a conspiracy against the life of Daniel O'Connell, &c., &c. These resolutions, like the former, were laid upon the table.

STEWART, ALPHONSO, and WILLIAM BENNETT. In Illinois, 1820. The following account is derived from a Chicago newspaper, January, 1851.

"*The First and Last Fatal Duel by Illinoisians.*—In the year 1820, a duel was fought in Belleville, St. Clair County, between Alphonso Stewart and William Bennett. The seconds had made it up to be a sham duel; Stewart, one of the parties, was supposed to be in the secret; but Bennett, his adversary, believed it to be a reality. It is supposed that Bennett somewhat suspected a trick, and, after receiving his gun from his second, rolled a ball into it. At the word fire, Stewart fell mortally wounded. Bennett was indicted, tried, and convicted for murder. A great effort was made to procure him a pardon; but Governor Bond would yield to no entreaties, and Bennett suffered the extreme penalty of the law, by hanging in the presence of a great multitude of people.

"This was the first and last duel which has ever been fought in the State by any of its citizens. The hanging of Bennett made duelling discreditable and unpopular, and laid the foundation of that abhorrence of the practice which has ever been felt and expressed by the people of Illinois.

"The present Judge Lockwood was then Attorney-General of the State, and prosecuted in this case; to his talents and success as a prosecutor, the people are indebted for this early precedent and example, which did more than is supposed to prevent the practice of duelling from being introduced into his State."

STEWART, ANDREW. See *Thurlow, Lord Edward*.

STEWART, CLAUDIUS C., and JOSEPH B. COKER. In Florida, or Georgia, 1854. Both gentlemen of the Florida bar. The account is that it was agreed to meet with double-barrelled shot-guns, at seventy-five yards, and to advance ten paces at each fire, until one or both should fall. At the first discharge, Stewart was severely wounded in the arm. Amputation became necessary. The surgeons on the ground were without proper instruments, and a messenger was despatched a distance of twenty miles.

STEWART or STUART, JAMES. See *Boswell, Sir Alexander*.

STEWART, JOHN, of Pennsylvania, an officer in the army of the United States, and ——. In 1812, near Washington, Mississippi. Stewart was killed.

STEWART, ——. See *Bolton, Duke of*.

STIDGER, Judge. See *Rust, Colonel*.

STINET, W. S. See *Mars, Robert*.

ST. JOHN, OLIVER. See *Best, Captain in the Guard of Elizabeth*.

ST. LEGER, ——. See *Curran, John Philpot*.

ST. LEGER, SIR WARHAM, of the noble family of Doneraile, and HUGH MAGUIRE, Lord of Fermanagh. In the sixteenth century. St. Leger was killed. Maguire fell towards the close of the century, I suppose in a similar affair.

STONEY, GEORGE ROBINSON. See *Dudley, Sir Henry Bate*.

STOWE and TOWNLY. In New Jersey, 1852. Two shots were exchanged; both slightly wounded.

STOZA, a soldier in the Roman army. In the year 545. He rebelled, and raised himself to be an equal with Belisarius, and the nephew of the Emperor. He fell in single combat; but "smiled in the agonies of death, when he was informed that his own javelin had reached the heart of his antagonist."

ST. PHAL, ——. See *Clermont, Louis de*.

STREET, GEORGE F. See *Wetmore, George Ludlow*.

STROZZI, Marquis, and the Marquis BAGNESI. In Italy, 1743. Both young Italian nobles. The duel, says Sir Horace Mann, was in consequence of a debt of "fifteen shillings." Strozzi was the creditor and the occasion of the fight.

**STUART**, colonel in the British army, and Captain **JOHN SMITH**, of the Maryland troops in the service of Congress. In 1781, in South Carolina. A duel on the field of battle. The two officers had met previously, and, having a personal difference, had "mutually declared that their next meeting should end in blood." The promise was redeemed at Guilford. Both were brave and powerful. They singled each other out, and, panting with revenge, engaged furiously with the sword. Smith "drove the edge of his heavy sabre through the head" of the British colonel, "cleaving him to the very spine."

**STUART**, F. See *Gwin, William M.*

**SWARTWOUT**, JOHN. See *Clinton, De Witt.*

**SWEET**, GEORGE D. See *Howard, Samuel.*

**SWIEGEL**, —. See *Freychappel.*

**SWIFT**, THEOPHILUS. See *Richmond, Duke of.*

**TALBOT**, SIR JOHN. See *Shrewsbury, Earl of.*

**TALBOT**, LORD. See *Wilkes, John.*

**TALBOT**, Captain, and Lieutenant **DUNWORTH**, officers in the army of the Revolution. In 1776. The challenge was given by Dunworth, who, it seems, had just been discharged from the service. Talbot accepted, and a time was fixed for the meeting. The circumstance was communicated to General Greene, in camp, on Long Island, New York, who desired Washington's directions. In his letter to the Commander-in-chief; there is a passage to cause a smile. "I did not wish to know anything about it," said he, "but many of the officers know that I know it"; and this, he adds, "perplexes me a little, knowing duelling to be against all law, both civil and military."

**TANKERVILLE**, Lord. See *Bouverie, Edward, Member of Parliament.*

**TATNALL**, Colonel. See *Clay, Henry, and Randolph, John.*

**TAYLOR**, —. See *Hopkins, —.*

**TEMPLE**, JOHN, Lieutenant-Governor of New Hampshire, and Mr. **WHATELY**, an English banker, and brother to a former Secretary of the British Treasury. In England, in December, 1773. This duel was in consequence of the supposition, that Mr. Whately gave Dr. Franklin the celebrated *Hutchinson and*

*Oliver Letters*, which were transmitted to the philosopher's Whig friends in Massachusetts, and which created great commotion both in England and America. Mr. Whately was dangerously wounded. Walpole wrote the Countess of Ossory: "We are now picking a duel between a Mr. Temple and a Mr. Whately, the latter of whom has been drilled with as many holes as Julius Cæsar or a cullender, and of which I know no more than the newspapers," &c.

The manner in which Franklin obtained the correspondence in question has caused nearly as much discussion as the yet unsolved problem, *Who wrote Junius?* The letters themselves, says John Adams, "excited no surprise, *excepting at the miracle of their acquisition.*"

Franklin, in a published card, declares that the parties to the duel were "*both totally ignorant and innocent of the transaction and circumstances* ; that *he alone* was the person who obtained and sent the documents to Boston ; and that Mr. Whately could not communicate them, because they were never in his possession ; and, for the same reason, they could not be taken from him by Mr. Temple." But opposed to these strong expressions, we have the declaration of Temple himself, who, says John Adams, told me in Holland, that he had communicated these letters to Dr. Franklin, though I swear to you, said he, "that I did not procure them in the manner represented."

To omit the conjectures of Hutchinson and of some others, we have the positive assertions of Hosack and Thacher, the biographers of the late Dr. Hugh Williamson (a distinguished physician, a member of Congress, a framer of the Constitution of the United States, and historian of North Carolina), that *he* asked for and received these letters at a public office in London, arranged to place them in the hands of Franklin, and departed for Holland the following day, which account, given with minuteness, is derived, as it would seem from the documentary evidence cited, from Williamson's own statements to gentlemen of the highest respectability. Yet this cannot be so. Hutchinson, in a message to the House of Representatives of Massachusetts, dated the *third day of June, 1773*, speaks of these letters as having been laid before that body the day previous ; but Williamson did not leave Boston for England until the *twenty-second of December of that year, or for more than six months afterward*. He was waiting for Hancock's ship to sail, at the time of the destruction of the tea, on the 16th of December, and was the

first person who reported that occurrence to the British ministry ; and these facts appear by the showing of the writers who claim that, adroitly, and at great hazard, he procured these celebrated epistles or despatches. Thus do mistakes find their way into history, for these are only mistakes.

**TENNESSEE :** *Constitutional* provision : —

" Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the legislature may prescribe."

**TERRELL, —.** See *Grymes, Wyndham*.

**TEXAS :** *Constitutional* provisions. Members of the legislature, and all officers, before they enter upon their duties, are required to take the following oath : —

" *I do solemnly swear (or affirm) that, since the adoption of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, or out of it ; nor have I sent or accepted a challenge to fight a duel with deadly weapons ; nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending. So help me God.*"

By another provision, —

" Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit under this State."

**THATCHER, GEORGE.** See *Blount, Thomas*.

**THEOBALD, SIR GEORGE.** See *Morley, —.*

**THIERS, MONS. M. A.,** ex-Prime-Minister, and **MONS. BIXIO,** ex-Minister of Foreign Affairs, of France. In France, 1849, with pistols. During a debate on the " Roman Question " in the French Chambers, the two ministers became involved in an altercation, which led to a demand for " satisfaction," on the part of the former. After an exchange of shots at twenty paces without effect, the seconds came forward and declared that " the parties had done all that honor required."

**THOMAS, Colonel,** and the Honorable **COSMO GARDINER.** In



England, 1783. Both were officers in the British army, and served in America during the war of the Revolution. While here, Thomas preferred charges against Gardiner for non-performance of duty in an action with the troops of Congress, in 1780. Gardiner was tried by a court-martial, and acquitted. After their return to England, the difficulty was revived. Thomas was slain; his will, executed the night before he fell, contains these words: "In the first place, I commit my soul to Almighty God, in hopes of his mercy and pardon for the irreligious step I now (in compliance with the unwarranted customs of this wicked world) put myself under the necessity of taking."

THOMAS, Doctor. See *Smyth*.

THOMAS, FRANCIS J. Challenge, in 1853, at Santa Fe, to the Honorable Richard H. Weightman, Delegate to the Thirty-second Congress of the United States, from New Mexico. Weightman, according to the card sent to members of that Congress by Thomas, refused to receive the message.

THOMAS, P. W. See *Dickson, or Dickenson*.

THOMPSON, Captain, Harbor-Master of New York, and WILLIAM COLEMAN, editor of the *Evening Post*, New York. In the city of New York, near *University Place*, in 1804, with pistols. Thompson was a Democrat, Coleman a leader of the Federal party. After the bloodless termination of the difficulty between the latter and the editor of the *American Citizen* newspaper, (see *James Cheetham*,) Thompson was free in his remarks; and said, among other things, that "Coleman would not fight"; that, "if slapped on one side of the face, he would turn the other," &c., &c. A challenge from Coleman followed. The parties met at night, in winter, and fought in cold and snow; and, before the combat was closed, were compelled to shorten the distance, in order to see one another.

The number of shots exchanged is uncertain. At last, Thompson was heard to cry, "*I've got it!*" and fell, mortally wounded. The seconds, and the other principals, immediately retired. The surgeon approached, made a hasty examination of Thompson's injury, pronounced it fatal, and exacted a promise, that the names of the parties engaged in the affair should not be divulged by the dying man, who was then conveyed to his lodgings. Thompson kept his word; said he came to his end "fairly"; and years elapsed before the particulars obtained general publicity.

THORIGNY, MONS. See *Bouteville, Francis*.

THORNHILL, —. See *Dering, Sir Cholmeley, Baronet*.

THORNTON, ABRAHAM, and WILLIAM ASHFORD. In England, in 1817: a case of the Gothic jurisprudence, of "wager of battle," or judicial duel. Thornton was supposed to have murdered Mary Ashford, sister of William, but was acquitted of the charge at the Warwick Assizes. Upon a writ of appeal, Thornton appeared in the Court of King's Bench, and offered, according to ancient custom, his wager of battle, which the judges decided he was entitled to claim, the statute never having been repealed by Parliament, though obsolete for centuries.

Ashford being a mere boy, the challenge was declined. Thornton was discharged; and, in consequence of the public feeling against him, came to America, where he soon died. An act was immediately passed which blotted the "judicial duel" from the statute-book of England.

THURLOW, EDWARD, Lord Chancellor of Great Britain, and ANDREW STEWART. In England, 1769, with pistols. Thurlow was the offending party. He was, at this time, at the bar; and as counsel for Douglas, in the case *Douglas vs. the Duke of Hamilton*, (which "after eight years of preparation came on to be heard at the bar of the House of Lords,") indulged in a course of severe remark against Mr. Stewart, who was a gentleman of standing, and had been engaged in procuring evidence for the Duke. Stewart, the very day the offence was given, sent a message, and required an immediate meeting. Thurlow, in reply, accepted the call; but desired a postponement until the case was closed. They met accordingly, in Kensington Gardens; and exchanged shots, without effect. Thurlow's conduct on the ground was much applauded; Stewart, in speaking of it, said "that Mr. Thurlow advanced and stood up to him like an elephant." Another person, observes Lord Campbell, who remembers the duel well, says that "Thurlow, on his way to the field of battle, stopped to eat an enormous breakfast at a tavern near Hyde Park Corner."

THYLLUS, "the son of Hercules," as we are told in ancient history, deceived by some ambiguous expressions of "the oracle," was killed in a single combat, by which he chose to decide the fate of contending parties.

TIERNEY, GEORGE. See *Pitt, William*.

TOBEY, EDWARD. See *Crane, Alfred*.

TOLLEMACHE, JOHN, a Captain in the Royal Navy, and son of the Earl of Dysart, and Captain PENNINGTON, of the British Army. At or near New York, in 1777. In *Burke's British Peerage*, the antagonist of Tollemache is called Lord Muncaster; but Walpole, and an officer who was in the King's service in America at the time, state as I have done. The duel grew out of "a foolish quarrel," says Walpole, "about humming a tune." Pennington, remarks the officer just referred to, was "a wrong-headed officer in the Guards," and, though "we do not know the particulars, everybody concludes" that he was "in the wrong, from his general character." It appears further, that Pennington went to America in the ship commanded by his antagonist. Tollemache was killed; two brothers were previously drowned.

TORDENSKIOLD, PETER, Vice-Admiral, and Colonel STAHL, a Swedish officer. In the kingdom of Hanover, in 1720. The Admiral's real name was Peter Wessel. After the performance of some gallant exploit, the King of Denmark said to him: "I ennoble you; I confer on you the name of Tordenskiold (*Thundershield*), and grant you a coat of arms suitable to the honorable name which you have so well earned. You are the *thunder* which crushes the Swedes, and the *shield* which covers the navy of my kingdom." Tordenskiold has been called the *Nelson* of Denmark. On a visit to Hanover, to pay his respects to George I. of England, he was accompanied by the son of a rich merchant of Copenhagen. At one of the cities through which he passed, the young man, by mere chance, fell into the company of Colonel Stahl and other gamblers, who won all his ready cash, and compelled him to draw a bill for a large amount upon his father. Stahl followed the Admiral to Hanover. It happened that he and Tordenskiold were guests at dinner, at the house of one of the Hanoverian ministers. The honest Admiral, looking at the Colonel, commenced a severe philippic against gamblers; and, that his remarks might be understood, he concluded with the mention of particulars which could apply to the Colonel alone. Stahl demanded an explanation. Tordenskiold replied in a tone which increased the Colonel's wrath, and caused him to say that "no one but a rascally sailor could be capable of such behavior." Thereupon, the Admiral, cane in hand, drove the Colonel into the court-yard, snatched the sword he

had drawn, and broke it over his head. Stahl instantly gave a challenge, which was instantly accepted. They met a few miles distant. Tordenskiold was run through the body, fell into the arms of his servant, and expired on the spot.

The intelligence of the Admiral's death deeply moved the King of Denmark. The remains of his brave officer were brought to Copenhagen by his direction, and interred in a manner suited to the rank of one who had performed so valuable services to his country; while, by another royal command, a complaint was made to the Court of Sweden against Stahl. It may be added, that Tordenskiold's private character was estimable; that, in his munificence, he gave pensions to about fifty widows, and educated many orphan children.

TOURS, the Viscount of. In the year 1066. Challenge to, by an Abbot of St. Aubin. It was a usage of the time, that an Abbot, when taking possession of that Abbey, should present a horse to the Viscount, who claimed the gift in right of his lordship. The ecclesiastic in question refused; but proposed a "trial of the ordeal," or duel, by champions. Tours consented; but, upon consideration, waived his claim and declined the combat, on the ground that, while the Church sanctioned this manner of duelling, success depended on the skill or vigor of the combatants, rather than on the justice of the cause.

TOWNLY, —. See *Stowe*, —.

TOWNSHEND, Lord, and Lord BELLAMONT. In England, 1773. The latter was wounded.

TOWNSHEND, Sir JOHN, Knight, and a distinguished member of the first Parliament of James I., and Sir MATHEW BROWN, of Beachworth Castle. In 1603, on Hounslow Heath, England, on horseback. Sir Mathew died on the spot; Sir John was mortally wounded, and expired soon after. The Marquis of Townshend is of Sir John's lineage.

TOWNSHEND, AUGUSTUS. See *Winnington*, —.

TOWNSHEND, Right Honorable THOMAS. See *Germaine*, Lord *George*.

TOWNSHEND, GEORGE, and Lord ALBEMARLE. In England, in 1760. Walpole relates the affair thus, in a letter to George Montagu, dated November 4th:—"An extraordinary event has happened to-day. George Townshend sent a challenge to

Lord Albemarle, desiring him to be with a second in the fields. Lord Albemarle took Colonel Crawford, and went to Mary-le-bone ; George Townshend bespoke Lord Buckingham, who loves a secret too well not to tell it ; he communicated it to Stanley, who went to St. James's, and acquainted Mr. Caswell, the captain on guard. The latter took a hackney-coach, drove to Mary-le-bone, and saw one pair. After waiting ten minutes, the others came. Townshend made an apology to Lord Albemarle for making him wait. 'O,' said he, 'men of spirit don't want apologies ; come, let us begin what we came for.' At that instant out steps Caswell from his coach, and begs their pardon, as his superior officers, but told them they were his prisoners. He desired Mr. Townshend and Lord Buckingham to return to their coach ; he would carry back Lord Albemarle and Crawford in his. He did, and went to acquaint the king, who commissioned some of the *matrons* of the army to examine the affair, and make it up. All this while I don't know what the quarrel was, but they hated one another so much on the Duke's account, that a slight word would easily make their aversions boil over."

TREANOR, BARNARD S. Challenge, in 1853, to PATRICK O'DONAHOE. A public dinner was given at Faneuil Hall, Boston, in honor of the birthday of Thomas Francis Meagher, an Irish exile of some note. Treanor was president of the day ; O'Donahoe, another exile who had recently escaped from Van Diemen's Land, was a guest. At table, the course of Treanor gave O'Donahoe offence, which the latter, immediately after the company separated, made known in a written communication. Treanor thereupon, it appears, demanded a withdrawal of the letter, an apology for its contents, or a hostile meeting. He obtained no satisfactory reply to his demand, and a formal challenge followed. Legal proceedings against the parties put an end to the affair.

TRENCK, FREDERIC, Baron von der, a Prussian officer of ancient family, and Aide-de-camp to Frederic the Great. Few persons are ignorant of the Baron's general misfortunes, of his repeated imprisonments, of his long exile from his native country, and of his final death under the guillotine.

He traced his descent, on both sides, to knights of the Teutonic order ; his father was a major-general of cavalry. His person was handsome and lofty ; he possessed surpassing strength, invincible courage, a good memory, and an acute intellect. While

a student at the University of Königsberg, he was presented to the king as one of the best among the five hundred scholars of that institution. But his life was almost an utter failure.

Before he arrived at the age of seventeen, he acquired fame as a duellist ; having fought three times, and vanquished and wounded his opponents in all. While yet young, the Baron Francis Trenck, a cousin, "a heartless, godless man, who lived a sanguinary monster, and died a suicide," who was an officer in the Austrian service, involved him in three duels more, with men who were masters of the sword, and who, his worthless relative supposed, were sure to slay him. But the Baron Frederic, successful as in the previous combats, gave each of his antagonists a severe wound. These six affairs occurred prior to the year 1748.

In 1749 the Baron Francis put an end to his existence in prison ; and Frederic became heir to his estate, which was vast, though encumbered. Trenck, who had suffered much at the hands of his wicked kinsman, was summoned by the proper tribunal at Vienna to enter upon his inheritance the year following, and undertook a journey from Russia for that purpose. The plan of his route embraced the city of Amsterdam ; and on his arrival there he became engaged in still another combat, at the very moment of landing from the ship. The story may be told in his own words. "I was looking on," says he, "while the harpooners belonging to the whale-fishery were exercising themselves in darting their harpoons ; most of them were drunk. One of them, Herman Rogaar by name, a hero among these people for his dexterity with the snickasee, came up, and passed some of his coarse jokes upon my Turkish sabre, and offered to fillip me on the nose. I pushed him from me, and the fellow threw down his cap, drew his snickasee, challenged me, called me a monkey-tail, and asked whether I chose a straight, a circular, or a cross-cut ?" After some other indignities, Trenck turned round to the by-standers, and requested them to lend him a snickasee. "No, no," said the challenger, "draw your great knife from your side, and, long as it is, I will lay you a dozen ducats you get a gash in the cheek." "I drew ; he confidently advanced with his snickasee, and, at the first stroke of my sabre, the snickasee and the hand that held it dropped to the ground, and the blood spouted in my face." He expected, he adds, that the people would tear him in pieces ; but his "fear was changed into astonishment at hearing a universal shout, applauding the van-

quisher of the redoubted Herman Rogaar, who, so lately feared for his strength and dexterity, became the object of their ridicule. A Jew spectator conducted me out of the crowd, and the people clamorously followed me to my inn. This kind of duel, by which I gained honor, would anywhere else have brought me to the highest disgrace."

TRIAS, DON ANGEL, and an American. In Mexico, 1851. The American gave offence by speaking "slightly of the Mexicans"; he was killed; Trias was wounded.

TROUP, GEORGE M. See *Howard, Samuel*.

TUCKER, —. See *Hughes, James*.

TUCKETT, Captain HARVEY G. P. See *Cardigan, James Thomas, Earl of*.

TURENNE, Viscount, and the Prince of CONDE. In 1580, in France. The two personages became embroiled in consequence of the acts of the queen mother; and a challenge from Conde was the result. Turenne went to the place appointed, but only to make submission to the Prince, on the ground of his "high quality."

The Viscount was subsequently challenged by Duras and Rosan (who were brothers), whom he fought, and by whom he was wounded in twenty-two places. The duel, according to Sully, was unfairly conducted on the part of the brothers; yet Turenne entreated for the pardon of Duras.

TURENNE, HENRI DE LA TOUR D'AUVERGNE, Viscount and Marshal, and the Elector Palatine. Probably about the year 1674. The Marshal spread devastation through the dominions of the Elector, who saw from his castle "two cities and twenty-five villages in flames"; and "in a letter full of reproaches," he challenged the French general to single combat. The king refused his consent, and Turenne returned in answer "an unmeaning compliment."

TURGOT, Marquis de. See *Soule, Pierre*.

TYRAWLY, Lord. See *Clonmell, Lord*.

ULSTER, Earl of, the first Englishman who held an Irish title of honor. Previous to his elevation to the peerage, in 1181, he was known as Sir John Courcy. On the accession of King John he fell into disgrace, and was imprisoned. While a captain, and

probably about the year 1202, John and Philip, King of France, consented that a dispute between them should be decided by single combat. Philip provided his champion, but no one could be found to enter the lists in behalf of John. At last the Earl of Ulster was induced to take up the gauntlet. The champions appeared; and, in the presence of the kings of England, France, and Spain, prepared for the duel. When about to engage, Philip's representative, seized with a panic, put spurs to his horse and fled. The victory was adjudged to Ulster.

UPTON, SIR HENRY, Ambassador of England to the Court of France. In the time of Queen Elizabeth. Challenge to the Duke of GUISE.

VALDES, General. See *Soule, Pierre*.

VALENCIA, Count of. See *Luna, Count of*.

VALENTINE, M., and M. CLARY. At Brussels, in 1850. The parties were French gentlemen, and members of the Chamber of Deputies. Valentine was severely wounded. Clary, a relative of Louis Napoleon.

VALERIUS, M. In the year of Rome 404. Single combat with a Gaul. Valerius was the victor. He received the name of *Corvus* and his descendants that of *Corvinus*, because, as is said, a raven perched upon his helmet during the contest, and contributed with his beak and claws to the defeat of his adversary.

VALOIS, PHILIP DE, King of France. See *Edward III., King of England*.

VANCE, HON. —, ex-member of Congress from North Carolina, and HON. — CARSON, member of Congress from the same State. In 1827; the cause, political. Vance was killed.

VANDYKE, Lieutenant in the Navy, and Lieutenant-OSBORN of the Marine Corps of the United States. In the Mediterranean, in 1803. Both wounded; the former, dangerously.

VAN NESS, W. P. See *Hamilton, Alexander*.

VASSEUR, M. See *Aguesseau, M. Segur d'*.

VELASCO and PONCE DE LEON. In the reign of Ferdinand and Isabella, two young men of these noble Spanish families agreed to fight a duel on horseback, with spears, in doublet and hose, without armor of any kind, and on a narrow bridge near Madrid.



VESEY, WILLIAM, of the noble family of Lord Viscount de Vesci, and ——. In England, reign of Queen Elizabeth. Vesey killed his antagonist, fled to Scotland, and thence removed to Ireland.

VIEYRA, M., and M. LAURY. In France, 1852. The parties were gentlemen of Paris. The arm chosen was the pistol, but with the agreement that, after an exchange of shots without effect on either side, resort should be had to the sabre. They met in a wood with friends, and took their places. An official interfered and ordered them to desist. But plunging deeper into the forest, and fearful that they should be overtaken before their pistols could be loaded and the ground be measured and prepared, they agreed to use the sabre at once, and engaged with great ardor. Vieyra received a thrust under his right breast, and was much hurt.

VILLARS, Governor of Rouen. See *Essex, Earl of*.

VIRETTE, M. See *Pecquigny, Duke of*.

VIRGINIA: *Constitutional* provision:—

"The General Assembly may provide that no person shall be capable of holding, or being elected to, any post of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance."

VOLTAIRE, FRANCIS MARIE AROUET DE. Challenge to the Chevalier de ROHAN, about the year 1726. Rohan, a proud young nobleman, offended with Voltaire, caused him to be beaten by his servant. Voltaire thereupon learned to fence, and sent his cartel for a meeting to avenge the insult. The friends of the Chevalier procured an order to commit the challenger to the Bastille. After an imprisonment of six months, Voltaire was released, but was compelled to quit France. Untoward as was this affair at the moment, the reputation and money acquired by this distinguished man during his exile in England render it memorable in his history.

WALES, Prince of, and the Duke of NEWCASTLE. In the reign

of George I. "You are a rascal," said the Prince to the Duke, "but I shall find you," or, "I shall find time to be revenged." The King, as relates Walpole, pretending to understand these words as a challenge, put the Prince under arrest, to prevent a duel.

WALKER, HON. —, and DR. KENNEDY. In the vicinity of New Orleans, in 1850, with pistols, at twelve paces. Both editors of newspapers. One shot exchanged without effect.

WALKINS, Colonel R. See *Jackson, James*.

WALPOLE, HORACE, and WILLIAM CHETWYND, brother of Lord Viscount Chetwynd, and subsequently Master of the Mint. In England, 1743. Walpole, in a letter to Sir Horace Mann, humorously said that his uncle Horace "had fought a duel, and had scratched a scratch three inches long on the side of his enemy," and thereupon relates the circumstances with some minuteness. The account of this "memorable engagement" is best given in the nephew's own words. On the examination of a witness in the House upon remittances to the army, Lord Walpole remarked : —

"He hoped they would *indemnify* him, if he told anything that effected himself." Soon after, he was standing behind the Speaker's chair, and Will. Chetwynd, an intimate of Bolinbroke, came up to him, and said, 'What, Mr. Walpole, are you for rubbing up old sores?' He replied, 'I think I said very little, considering that you and your friends would last year have hanged up me and my brother at the lobby door without a trial.' Chetwynd answered, 'I would still have you both have your deserts.' The other said, 'If you and I had, probably I should be here and you would be somewhere else.' This drew more words, and Chetwynd took him by the arm and led him out. In the lobby, Horace said, 'We shall be observed, we had better put it off till to-morrow.' 'No, no, now! now!' When they came to the bottom of the stairs, Horace said, 'I am out of breath, let us draw here.' They drew. Chetwynd hit him in the breast, but was not near enough to pierce his coat. Horace made a pass, which the other put by with his hand, but it glanced along his side. A clerk who had observed them go out together so arm-in-arm-ly, could not believe it amicable, but followed them, and came up just time enough to beat down their swords, as Horace had driven him against a post, and would probably have run him through at the next thrust.

"Chetwynd went away to a surgeon's, and kept his bed the next day: he has not reappeared yet, but is in no danger. My uncle returned to the House, and was so little moved as to speak immediately on the *Cambrick bill*, which made Swinny say, 'That it was a sign he was not *ruffled*.' Don't you delight in this duel? I expect to see it

daubed up by some circuit-painter on the ceiling of the saloon at Woolterton."

The editor of Walpole cites from Cox's *Memoirs of Lord Walpole* an account of this affair, which differs in some essential particulars.

"A motion being made in the House of Commons," he states, "which Mr. Walpole supported, he said to Mr. Chetwynd, 'I hope we shall carry this question.' Mr. Chetwynd replied, 'I hope to see you hanged first.' 'You see me hanged first!' rejoined Mr. Walpole, and instantly seized him by the nose. They went out and fought. The account being conveyed to Lord Orford, he sent his son to make inquiries; who, on coming into the House of Commons, found his uncle speaking with the same composure as if nothing had happened to ruffle his temper or endanger his life. Mr. Chetwynd was wounded."

WALSH, THEOPHILUS. See *Pellew, Edward*.

WARWICK, Earl of. See *Coote, Captain*.

WASHINGTON and WASHBURN. In California, 1854. Both editors. The latter badly wounded.

WEDDERBURN, ALEXANDER, afterwards Lord Loughborough, Earl of Rosslyn, and Chancellor of Great Britain. Scene in court, in 1757, in which Wedderburn, says Lord Campbell, "delivered such a furious personal invective as never was before or since heard at the Scottish bar." One object of his wrath was Mr. Lockhart, Dean of Faculty, and subsequently Lord Covington, who, it may be premised, had not resented a threat of personal chastisement made by a gentleman with whom he had had a difficulty, and in whose domestic life there were circumstances supposed to render his reputation vulnerable; the other, the Lord President Craigie. Lockhart was opposing counsel, and called Wedderburn a "*presumptuous boy*." The future Lord Chancellor, according to the oral tradition, in the course of his reply, said:—

"The learned Dean has confined himself on this occasion to vituperation. I do not say that he is capable of *reasoning*; but, if tears would have answered his purpose, I am sure tears would not have been wanting." Lockhart here started up and threatened him with vengeance. Wedderburn retorted: "*I care little, my lords, for what may be said or done by a man who has been disgraced in his person, and dishonored in his bed.*" Lord President Craigie being afterward asked why he had not sooner interfered, answered, "Because Wedderburn made all the flesh creep on my bones." But at last his lordship declared, in a firm tone, that "this was language unbecoming an advocate and unbecoming a

gentleman.' Wedderburn, now in a state of such excitement as to have lost all sense of decorum and propriety, exclaimed that '*his lordship had said as a judge what he could not justify as a gentleman.*' The President appealed to his brethren as to what was fit to be done, who unanimously resolved that Mr. Wedderburn should retract his words and make an humble apology, on pain of deprivation. All of a sudden Wedderburn seemed to have subdued his passion, and put on an air of deliberate coolness, when, instead of the expected retraction and apology, he said: '*My Lords, I neither retract nor apologize, but I will save you the trouble of deprivation; there is my gown, and I will never wear it more.*' He then coolly laid his gown upon the bar, made a low bow to the judges, and before they had recovered from their amazement, he left the court, which he never again entered. That very night he set off for London."

The readers of American history will not fail to be reminded of Wedderburn's attack upon Franklin, in 1774, and after the duel between Temple and Whately (which see in this volume), in consequence of the transmission of the *Hutchinson and Oliver Letters* to Massachusetts, in which he averred that "Nothing will acquit Dr. Franklin of the charge of obtaining" this correspondence "*by fraudulent or corrupt means, for the most malignant of purposes, unless he stole*" the letters "from the person who stole them. . . . *I hope, my Lords, you will mark and brand the man, for the honor of this country, of Europe, and of mankind,*" &c.

These examples of the course of Wedderburn towards persons who opposed him or stood in his way are cited here to express the wonder that he, one of the most unscrupulous libellers of his time, was allowed to slander his fellows, on every occasion that suited his purpose, with impunity, while many of his associates, both at the bar and in Parliament, were required to answer, according to the code of honor, for offences of the tongue, which, compared with those committed by him during his career, were undeserving even of a thought.

WEIGHTMAN, HON. RICHARD H. See *Thomas, Francis J.*

WELCH, Lieutenant, and Captain BARNES. In 1778. Both officers in the army of the Revolution. Welch was the challenger; he was tried by a court-martial, and sentenced to be dismissed the service. The Commander-in-chief, in consideration of his previous good conduct, disapproved the sentence, and restored him to his rank.

WELCHER, JOSEPH. See *Howard, Samuel.*

**WELLINGTON**, the Duke of, and the Earl of **WINCHELSEA**. In England, 1829. In consequence of remarks of the Earl, relative to the course of the Duke on the "Catholic Question," in Parliament. The Earl received the Duke's fire, discharged his own pistol in the air, and by his second delivered a written acknowledgment of regret for the offensive expressions which led to the meeting.

**WELLS**, Lieutenant-Governor. See *Jackson, James*.

**WESTCOTT**, HAMPTON. See *Miller, William, Jun.*

**WESTON**, LORD. See *Holland, Lord*.

**WETHERED**, HON. S., and Captain **SCHAFER**. In California, 1851, with guns. They exchanged shots, and were stopped by the authorities.

**WETMORE**, **GEORGE LUDLOW**, and **GEORGE F. STREET**. In the Province of New Brunswick, at or near Fredericton, the capital, in 1821. Both barristers at law. The former, a son of the Attorney-General; the latter, now (1854) a Judge of the Supreme Court of New Brunswick.

Wetmore gave the challenge; the cause, as understood, was a difficulty in court. Wetmore received a mortal wound in the head, and expired in a few hours. Street and his second, Lieut. R. Davis, of the 74th regiment, British army, were tried for murder, early in 1822, and acquitted. The charge of Judge Saunders to the jury will give the reader a knowledge of the principal facts of the case.

"Gentlemen of the jury,—Before you take this case into consideration, I must request you to dismiss prejudice, by any attention to stories told out of doors, to which you cannot give any weight; but you will be guided by evidence, and carefully weigh that evidence. In the present case, the gentlemen at the bar stand indicted for the murder of George Ludlow Wetmore. The event of the party's death is made to appear by the doctors and others on the ground; that being established, it requires attention to see whether the prisoners are the perpetrators of this homicide. The evidence is but presumptive at best, and it should be considered in all such cases with attention, and, no doubt, in the present instance particularly. Murder is where a person in sound mind, and with malice aforethought, deliberately kills his victim. The prisoners are charged with this crime. Malice of two kinds are implied by law,—express, where the minds are expressed by outward sense, such as lying in wait, &c.; and in this case, murder by duelling, where it can be proved that the parties had gone to revenge themselves, it charges them indeed with express malice, but must be made out ex-

pressly. But does this malice apply to the prisoners? It appears by Mr. Taylor, that some high words had passed between the deceased and Mr. Street, at the Court-House, on Saturday. It appears it was about a writ, and the parties proceeded to high words. Expressions were made use of by Mr. Wetmore, treating the whole transaction in a rash manner. Mr. Miller heard high words between the parties, but, being at the door, did not hear the commencement of the affair; and on the interference of the Attorney-General they went on as usual, and they appeared to bear no malice. He says he saw the deceased as late on Monday night as twelve o'clock, in good spirits, and had not the least idea of such a circumstance taking place. Thus it appears, gentlemen, that the parties, from this testimony, at least the deceased, had submitted to the injunction of his father, and in his mind had no malice or desire to quarrel. To bring it home to the prisoners, Mr. Segee was called. Mr. Miller nor Mr. Taylor knew nothing subsequent.

"Mr. Segee got up at his usual hour, and shortly after heard two pistols in quick succession, he could distinguish a difference in the report; about six or seven minutes after, heard two more; and soon after went to the place where the firing was heard, and found the deceased, with two wounds, one in the arm, and one near the right temple; he was alive, but insensible; he (Mr. Segee) did not know the parties; on his way back to the house, saw two persons passing, and thought them to be the prisoners. But this will not answer; you must have positive proofs; his testimony, as far as it is material, goes little farther, and his son's is much the same; they did not know the prisoners; one was examined before the coroner, and was cross-examined; could not decide on anything; for he would not swear; he only thought so, and spoke contradictory. No attention should be paid to that, on so high a crime as this. Young Segee saw a pair of pistols; it appears that the parties stood about fifteen paces' distance apart; and by the doctors, that the two wounds were by the same ball, and were given when the deceased was in the act of firing, and the ball received a different direction from the arm. There is no question about the homicide; but it cannot be brought home to the prisoners: it is all presumptive proof, and that of the slightest kind. Nor did it appear by the evidence, that there was any such as is contemplated in law: the authorities read by the counsel is good law; and you must, in all cases, have direct evidence of the fact, to take a person's life. You will find it to be all circumstantial, and that it does not prove these to be the persons committing the crime.

"Should there be any doubt in cases of this kind, you should acquit the prisoners; but in this case it is not in any shape legally brought home. They stand charged by the indictment; and, indeed, I cannot say anything further upon the testimony, having explained the principal parts as far as I understood it. I was told it was a dark morning. One evidence, mentioning the dress of Mr. Street, said he had on a blue coat; another called it blue or black. It is proved by two witnesses (brothers to the party) that he never wore a blue or black coat. There

were several witnesses called as to their character as gentlemen. Character is of great weight in all cases, particularly where there is but presumptive evidence: it assists you, gentlemen, in circumstances of doubt; and there the jury must weigh the case with greater doubt and attention on the part of the crown.

"In all cases of circumstantial evidence, there is great room for doubt on the part of the prisoner; and where there is doubt, a jury should always be on the merciful ground, and acquit. Everything is liable to doubt in a civil case. Where the story is, however, weighed, and the evidence is strong, it is considered proper to strike a balance. This is not the case in criminal cases: there you are not to weigh: the evidence must be positive; and in doubtful cases you must acquit the prisoner. Therefore, if you have a doubt, acquit the prisoners.

"Several gentlemen have been called, who speak in the most favorable light for the prisoners, as gentlemen; and according to the evidence, you are to say guilty or not guilty."

The jury then withdrew from the court, and, returning in a short time, gave a verdict of not guilty.

WHATELY, —, an English banker. See *Temple, John*.

WHITE, Lieut. FRANCIS B., of the Marine Corps, and Lieut. WILLIAM B. FINCH, of the Navy of the United States. In 1819, on an island in Boston harbor. Lieut. White was killed on the spot. Lieut. Finch changed his name to Bolton, subsequently, and was a post-captain. A friend who was connected with the navy, gave me, at the time of the duel, a copy of the correspondence between the parties, which is here inserted.

*White to Finch.*

*"Boston, September 17th, 1819.*

"SIR, — An opportunity has never before occurred, for demanding of you satisfaction for the many indignities you were pleased to offer me when on board the *Independence*, in 1815. I cannot doubt that you will be prompt in rendering atonement for injuries which one gentleman can never expect to offer another with impunity, and I send my friend for the purpose of making such arrangements as are necessary to this end. I am, &c."

*Finch to White.*

*"Boston, September 19th, 1819.*

"SIR, — Your friend — yesterday handed me your note of the 17th instant, stating that you had suffered many indignities from me while associated on board the *Independence*, in 1815, and asking such satisfaction as the occasion required. In reply, I have to remark that the indignities alluded to are imaginary, and that our relative stations imperiously exacted of me that treatment which seems to have been offensive to your feelings. Personal considerations never influenced me, but, on the contrary, a sense of the benefit which the service would derive from it only prompted to the conduct I adopted. I am, &c."

*White to Finch.**"Charlestown, September 20th, 1819.*

"SIR, — In reply to your note of yesterday, I have only to observe that my friend is fully intrusted with my views, and knows my determination. He will point out the particular instances of ill-treatment of which I complain, some of which are unconnected with the immediate question of duty, while all are incompatible with correct principles of discipline, and in no view calculated to promote the benefit of the service. Public good can never be established at the expense of individual feelings and honor; and, as I am not disposed to admit the necessity of this doctrine on the present occasion, must insist on reparation by apology, or otherwise. I am, &c."

*Memorandum of Charges sent with Lieut. White's Letter of 20th September.*

"1st. For undertaking to reprimand me on the quarter-deck of the Independence, in presence of the crew; an unwarrantable assumption of authority, as well as a personal insult.

"2d. For flogging two marines, on a certain occasion, without my knowledge or consent.

"3d. For general ungentlemanlike deportment towards me, while on board the Independence.

"4th. For saying to Lieut. Legge, that I was ignorant of my duty."

*Finch to White.**"Boston, September 20th, 1819.*

"SIR, — With all the frank feelings which characterize my profession, I yesterday replied to your note of the 17th, and doubted not that it would produce on your part that liberality of sentiment which I evinced; but to my regret it is otherwise, and, in lieu of such disposition, is shown one of an extremely malignant cast. To atone for injuries wantonly inflicted, I would cheerfully hold myself in readiness; for those of which I am insensible, I am greatly at a loss in what manner to exculpate myself for the course I design to adopt: it will rest, however, primarily and principally, on the general basis that all men should at all risks and hazards support that station they may attain to; mine has its concomitant evils. The last note received from you has, for the first time, elicited my indignation; your arguments are unnecessary, and your premises altogether fallacious; and, as I allow the affair to be placed in a private light, I must most emphatically deny that I am accountable, and express the hope that others may not adopt the course I pursue on the ground of right; and on that only of courtesy do I meet you.

"The specification of offences which accompany your letter are those growing out of official station and duty, and only such as an uninformed and young officer would presume to allege as a pretext for personal reparation. The remedy for the cases cited is to be found both in the act organizing and usage governing the service; an officer, therefore, having its interests at heart, ought at the moment to have referred for protection or satisfaction to the proper tribunal. But you, on the con-



trary, cherish to this distant day imaginary wrongs, and claim reparation because you have indiscreetly expressed a determination to do so. The only pretence for your conduct is to be found in your fourth specification; to which I shall make no reply, or take further notice, than that Lieut. Legge is dead, for whose memory I cherish a high regard. Thus I openly expose my view and opinion of your demand, and, in conclusion, take the liberty of observing the pride for our joint profession, and the disposition to repel arrogant pretensions, persuade me to give you the meeting which you so rashly and sedulously seek. I am, &c."

WHITE, T., and BENJAMIN JOHNSON. In Kentucky, 1852, with double-barrelled guns, at forty paces. White was killed at the first fire.

WILDE, JAMES, of Georgia, and ——. In 1815. Wilde was a district paymaster in the army of the United States, and was killed.

WILKES, JOHN, a politician, and member of Parliament, who, at the Revolutionary era, amid the cries of "Wilkes and Liberty," obtained unmerited and brief celebrity, both in England and America. The publication of the *North Briton* involved this gentleman in several "affairs of honor."

The first, in 1762, with Lord Talbot. The cause was amusing enough. His lordship, as Lord Steward, trained his horse to step backward, in order that, at the coronation of George III. (1761), the animal should *retire* from Westminster Hall, at the ceremony, with horse and rider facing towards his Majesty. But when the hour of the pageant arrived, the horse — too perfectly taught — *entered* the hall tail foremost, and in this way *approached* the royal presence, though every effort was made by Lord Talbot to prevent it. Wilkes seized upon the circumstance and gave utterance to some remarks in the *North Briton*, which, after a correspondence, led to a hostile meeting, by moonlight, in the garden of a public house, with pistols. After an exchange of shots, without effect, "the parties shook hands, and supped together at the inn with a great deal of jollity."

The next was in 1763, with Lord Egremont; and I suppose in consequence of Wilkes's political writings. The terms seem to have been arranged, but his lordship's death put an end to the proceedings.

The third (also in 1763) was with Forbes, a Scotchman, who had entered the military service of France, as an officer in "a reformed regiment." Forbes was the challenger; he had never seen Wilkes before encountering him in the streets of Paris, and

called him out simply because he was the author of the offensive *North Briton*. Wilkes declined the call at the moment, and gave as a reason, that he had resolved to fight Lord Egremont. Forbes behaved with great rudeness. An order was issued by the French authorities to place both in arrest. The decease of Egremont removed the obstacle to a meeting with Forbes, who escaped to England. Wilkes thereupon appeared before Marshal Noailles, was discharged upon his parole, and sent word to Forbes's friends that he would afford the demanded interview at Menin, in Flanders, on a particular day. Forbes, meantime, had been ordered to quit England, for bearing arms in the French service; and did not receive the message in season to repair to the place appointed. A newspaper war followed. After a "great noise in the world," the matter was dropped.

The fourth was with Samuel Martin, and was far more serious than either of the preceding. It occurred in November, 1763, in Hyde Park, with pistols. Martin had been Secretary of the Treasury, under the administration of the Duke of Newcastle and of Lord Bute, and was then a member of Parliament for Camelford. Wilkes had just collected and republished the numbers of the *North Briton*, in which the character and morals of Martin were represented to be infamous. The ex-secretary, in his place in the House, took notice of this; and, looking at Wilkes, said twice, "*Whoever stabs a reputation in the dark, without setting his name, is a cowardly, malignant, and scandalous scoundrel.*" Wilkes avowed the authorship of the paper in a note, and was the challenged party.

They met at fourteen yards; both missed. Martin's second ball wounded his antagonist dangerously in the body. Wilkes attempted to return the fire, but dropped his weapon, bade Martin attend to his safety, and assured him that he would take no measures against him. Martin, however, fled to France. Wilkes, before his recovery, followed; saw the ex-secretary, "sat with him an hour," and "joked as usual."

It is related that Wilkes was asked by the Prince de Croy, when in France previously, "how far the liberty of the press extended in England," and that he replied, "*I cannot tell, but I am trying to know.*" If he met the Prince on the visit to Martin, and after the fourth affair was disposed of, he may have imparted some additional information.

WILKINSON, JAMES, General in the army of the United States.

Two challenges. The first, in the war of the Revolution. The Conway and Gates *cabal* against Washington involved Gates and Wilkinson in a quarrel. A cartel was the result, which Gates accepted. While the parties were on their way to the ground, Gates made satisfactory explanations, and the affair was dropped.

The second, in 1807, to John Randolph, who declined, for the reason, he said, that Wilkinson had degraded himself, and that he would not descend to his level. The proud Virginian was immediately posted by the General, in the usual form.

WILLIAM THE CONQUEROR, King of England. In the year 1066, and before the battle of Hastings, William sent a message to Harold, by some monks, in which he proposed to the Saxon monarch to terminate the differences between them in four ways: first, that Harold should resign the throne; second, that he should hold the kingdom in fealty to him; third, that their claims should be submitted for decision to the pope; and fourth, that they should meet in a duel, the crown to become the meed of the victor. Harold replied, that "the god of battles would soon be the arbiter of all their differences." In the conflict which followed between the two armies, the Saxon king was slain, and the Norman succeeded.

But William, not long after obtaining the object of his ambition, was engaged in a personal encounter with his own son Robert. His first-born rebelled against him. They met on the field, at the head of opposing forces. Robert ran his father through the arm with his lance, and unhorsed him. It is related that William, one of the most approved knights of the age, and constantly engaged in warlike deeds in which his person was ever exposed, was wounded and overthrown for the first time in this contest.

WILLIAMS, —, Speaker of the House of Commons. See *Peyton, Sir Robert*.

WILLIAMS and BENNETT. British physicians of note, in the seventeenth century. They fought with swords and pistols. Bennett, mortally wounded, and with the sword of his antagonist in his body, prayed to God for strength to avenge himself, and succeeded in giving Williams a fatal stab.

WILSON, EDWARD, and JOHN LAW. In England, in 1694. Wilson was a young man, who lived in the garb and equipage of

the richest nobleman, for house, furniture, coaches, saddle-horses, and kept a table and all things accordingly. Law was a Scotch adventurer, who in after life acquired a world-wide notoriety, by his *Royal Bank of France*, by his financial operations generally, and by his stupendous *Mississippi Bubble*.

Law, the acknowledged paramour of a Mrs. Lawrence, kept his mistress in lodgings, and in a house in which Wilson's sister was a boarder. Wilson took his sister away. The landlady, injured in reputation and purse, claimed that Law should redress her wrongs. A meeting ensued, and Wilson was killed on the spot. Law was immediately apprehended, and tried at the Old Bailey for murder, found guilty, and sentenced to death. A representation was made to the crown, and he was pardoned; but, in consequence of proceedings instituted by a brother of Wilson, he was detained in the King's Bench prison. He escaped and fled to the Continent. He visited Venice and Genoa, and was banished from both cities as a designing adventurer. In France he found persons of rank and influence to enter into his plans. In 1732 he went over to England, and "pleaded his Majesty's pardon at the King's Bench bar, for killing Edward Wilson, Esq., in a duel, in the year 1694."

WINCHELSEA, Lord. See *Richmond, Duke of*.

WINCHELSEA, Earl of. See *Wellington, Duke of*.

WINDSOR, Lord. See *Nourse*.

WINNINGTON, —, and AUGUSTUS TOWNSEND. In Hyde Park, London, in 1741. Winnington, a statesman who held various offices, and Pitt's predecessor as paymaster of the forces; Townsend, "a pert boy," says Walpole, the second son of the minister, Lord Townsend, and Captain of an Indiaman. Winnington was the challenger. They walked into the Park on Sunday morning, "scratched one another's fingers, tumbled into two ditches, — that is, Augustus did, — kissed, and walked home together."

WINTERS, CHARLES, and — COLLINS, an ex-sheriff of Florida. In Florida, 1853. Winters slain.

WINTZEL, Doctor. See *Cohn, or Cohen*.

WISCONSIN, *Constitutional provision* : —

"Any inhabitant of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall

for ever be disqualified as an elector, and from holding any office under the Constitution and laws of this State, and may be punished in any other manner as shall be prescribed by law."

WISE, HENRY A., member of Congress from Virginia. See *Cilley, Jonathan*.

WOOD, —, nephew of the Marquis of Londonderry. See *Cooper, F. A.*

WOODBIDGE, BENJAMIN, and HENRY PHILLIPS. In Boston, year 1728, with swords. Woodbridge was slain.

WOODLIEF, Colonel DEVEREAUX J., and ACHILLES KEWEN. In California, in 1854, with rifles. The quarrel was political. Early in November, these gentlemen were in a public room in San Francisco, in company with several other persons; and during a conversation upon the political aspect of the times, and especially upon the new party, Woodlief remarked in an offensive manner, that Kewen was a *Know Nothing*. The accused thereupon struck his accuser in the face. Friends immediately interfered and prevented further proceedings on the part of both. It is believed that Kewen, regretting his course, offered on a subsequent day to make an apology, either verbally or in writing, which Woodlief declined to receive. Woodlief was the challenger. They met at the place agreed upon, accompanied by two friends each; but, after the ground was marked off, were interrupted by a civil officer, who had become acquainted with the affair and had followed them. They complied with his order to desist, but entered their carriages with the intention of fighting elsewhere, and beyond this officer's jurisdiction. Arrived in the county of Alvarado, they ascended a hill, where their seconds proceeded to make the common arrangements, in the presence of about one hundred and fifty spectators. The distance was forty paces. At the word "Fire!" both wheeled and discharged their weapons. Woodlief received his antagonist's ball directly in his heart, and expired in less than one minute. His body was conveyed to San Francisco on the evening of the same day. The scene, when his wife "looked upon all that remained of the former partner of her joys and sorrows, whose silver thread of life was so abruptly cut, and who but a few short hours before had gone forth in the strength and prime of manhood, is said, by those who were present, to have been affecting in the extreme."

Colonel Woodlief executed his will a day or two previous to the fatal meeting, bequeathing his property to his wife. He was

a native of Virginia. He removed to Texas some twenty years ago, and during the revolution there became a Colonel in the Texan army. He was in Mexico in the late war, and was distinguished for his bravery and the accuracy of his fire. He had been engaged in several duels, and had been frequently wounded in battle. In 1849 he went to California, where he received the appointment of collector of an internal tax.

WOODWARD, Doctor. See *Mead*.

WOOLFOLK, General SOWELL, and Major J. J. CAMP. In Georgia, in 1832. The former was shot through the heart, and died instantly; the latter wounded in the abdomen.

WRIGHT, C. J., formerly a lieutenant in the army, and OLIVER T. BAIRD, formerly of New York. In California, 1853. Wright, at the second fire, was shot in the neck.

WRIGHT, F. R. See *Evans, H. D.*

WYER, Doctor JAMES, and — SARGENT. In 1803, near Natchez. Wyer was killed.

YELVERTON, BARRY, son of Lord Avonmore, and barrister at law. In Ireland; one of Barrington's duels. The substance of the story is, that in a ball-room, where the officers of a newly arrived regiment had come to amuse themselves, and to set the Munster lasses agog, Yelverton, having drank freely, grossly insulted several of the military gentlemen, who, declining to call him to an account upon the spot, merely required his address and the hour that he might be seen on the morrow.

Yelverton gave a card to each, and stated that, as he was his own second, the presence of a friend would be unnecessary; that his weapon was always the sword, and that he would meet every man of them in the ball-room at eight o'clock the next morning. The attendance of the insulted gentlemen was punctual. Yelverton, on inquiry, ascertained that no less than nine were present to demand satisfaction at his hands. He retired from the room, as was supposed, to make the necessary arrangements; but soon returned with a bundle of switches, and asked those whom he had struck, four in number, to step forward. An amusing scene followed. "Gentlemen," he uttered, "allow me to have the honor of handing each of you a switch, (according to rule number five of the Tipperary Resolutions,) wherewith to return the blow." He then gave his card to the other

five, with the words, "I beg your pardon," written above his name, saying, "That 's agreeable to number one," (reading the rule,) and adding, "Now I fancy *all* your cases are disposed of; and having done my duty according to the Tipperary Resolutions, which I never swerve from, if, gentlemen, you are not satisfied, I shall be on the bridge to-morrow morning with a case of *barking irons*." The military men, amazed, stared at the barrister and at each other. The honest, jolly countenance, the drollery of Yelverton, were irresistible. There was a hearty laugh all round. Yelverton was asked to dine at the regimental mess, where his eccentricity and good humor delighted everybody. In the end, the barrister became deranged.

YORK, Duke of. See *Richmond, Duke of*.

ZENO, CARLO, of an illustrious house of Venice. He was a favorite of Pope Clement V., who, after his father's death, incurred the expense of his education, and bestowed upon him a rich benefice in the Church. But it was not his fate to become a Canon, for a duel postponed his ordination; and his marriage with a beautiful Greek soon afterwards put an end to his hopes as an ecclesiastic. Embracing the profession of arms, he became a commander of renown. In the year 1403, as Admiral of the Venetian fleet, he received a challenge for a naval fight, — galley against galley, or any larger number, as he might elect, not to exceed twenty on one side or twenty-four on the other. The defiance was declined. See *Boucicault*.

ZIETHEN, HANS JOACHIM, a Prussian General of cavalry, and a Knight of the Black Eagle. In the last century, and prior to the year 1730. When young, a quarrel with an officer caused his imprisonment for a year; a duel in which he was engaged soon after his release caused his dismissal from the corps. But restored to service, he obtained, finally, the high rank here stated.

## ADDENDA.

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COOPER, HON. JAMES, Senator in Congress from Pennsylvania, and MORTON McMICHAEL, editor of the *North American and United States Gazette*, Philadelphia. Correspondence (in 1854) equivalent, on the part of the former, to a challenge:—

*“Washington House, Philadelphia, September 18.*

“TO MORTON McMICHAEL, Esq.:—Sir, My attention has just been called to an editorial article in the *North American and United States Gazette* of this morning, in which the following language is used, namely: ‘With plunder in high places,’ &c., ‘and false pretences and malversation, as in the city subscription to the Sunbury and Erie Railroad Company, we shall bow our heads with shame, unless the sharp and secure processes of the penal laws can be successfully applied.’

“My object in addressing you this note is to inquire respectfully whether the above remarks are intended to apply to me, and, if so, in what respect? The right which every man has to maintain his character and good name is the one which I invoke in making this call upon you. If the remarks are intended to be applied to me, it is proper that I should know it. If they are not, it is equally proper that I should be freed from the suspicion they are likely to create. I will be obliged to you for a proper answer. Harry Connelly, Esq., will hand you this note and receive your reply.

“I am, sir, your obedient, humble servant,

“JAMES COOPER.”

The following reply was inclosed in an envelope addressed to Mr. Connelly:—

*“Philadelphia, September 19.*

“SIR,—I received your note last evening by the hands of Mr. Connelly, and avail myself of the first leisure which offers to reply.

“You ask whether certain passages in an editorial article in the *North American* of Monday last were intended to apply to you. I do not recognize the propriety of the question, and must therefore decline to answer it. The article to which you refer was of a public nature; it concerned public events, and its comments had a public bearing. In



the parts of it to which you have called my attention, it asserted in general terms what uncontradicted public statements had, elsewhere, particularly set forth, but it made no allusion to any individual.

"In declining to answer the question you have proposed, I am controlled by a conviction of duty. As the conductor of a public journal, I cannot allow the right of any one to catechize me as to the meaning of the articles I publish. At the same time I admit my responsibility, moral, legal, and personal, for whatever appears in the columns of the *North American*, and shall hold myself ready, on all proper occasions, to meet it. I am, sir, yours, &c.,

MORTON MCMICHAEL.

"HON. JAMES COOPER, *Washington House*."

The second communication to Mr. McMichael was from Mr. Cooper's friend.

"*Philadelphia, September 20.*

"MORTON MCMICHAEL, Esq.:—Dear Sir, My friend, Mr. Cooper, has received your note of the 10th instant, sent to him under cover to me; and while it is not satisfactory, inasmuch as it does not relieve him from the imputation conveyed in your article of Monday, it is entirely so in respect to the avowal that you hold yourself personally responsible for every thing you publish. In making the call in his note of the 18th instant, Mr. Cooper desires me to express to you that he recognizes as fully as any one the right of every editor to perfect independence. But for a personal imputation, he is happy that you concur with his own views in admitting personal responsibility.

"I now desire to say, on my own part, as the friend of Mr. Cooper, that in prosecuting this correspondence further, there might be inconvenience in doing it here; and if you concur with me in this view of the case, I beg you will say where and at what time it will suit your convenience to receive a further message.

"Mr. Cooper admits that, while it is customary, under the circumstances in which you stand to each other, that you should make it convenient to receive his message in another jurisdiction, he has no right to insist that you should do so. I will be obliged to you for an answer on this point.

Very respectfully, yours, &c.,

"HARRY CONNELLY."

Mr. McMichael, as appears by his statement, on receipt of this last letter, placed the whole correspondence in the hands of two friends, with the assurance that he would be governed entirely by their direction. These friends, having considered the subject, determined, first, that the article in the *North American* did not furnish any ground for the proposition contained in Mr. Connelly's letter, and that Mr. McMichael must decline its acceptance; and, second, that, to admit the personal responsibility of the conductor of a public journal for his strictures on public affairs, would, in their judgment, be detrimental to the interests

of the community, and divest the press of its most important prerogative. Mr. McMichael, in accordance with this opinion, addressed the friend of Mr. Cooper thus : —

“ *Philadelphia, September 21.*

“ DEAR SIR, — As the application made in your note of yesterday involves principles, which, in their consequences, affect the integrity of the public press, I have given to it the most careful consideration.

“ While I recognize to the fullest extent all my responsibilities for whatever appears in the columns of the *North American*, and am ready on all proper occasions to meet them in whatever form they may be presented, I am unable to perceive that Mr. Cooper has any right, under existing circumstances, to invite me to receive from him a hostile message. As I stated in my reply to his communication of the 18th instant, the article to which he referred ‘ was of a public nature, it concerned public events, and its comments had a public bearing. In the parts of it to which he called my attention, it asserted in general terms what uncontradicted public statements had, elsewhere, particularly set forth, but it made no allusion to any individual.’

“ If the conductors of public journals should permit themselves to be held personally responsible for their strictures on public affairs, there would be at once an end to all independence of the press; and wrong and outrage might go unpunished and unrebuked. I cannot consent, by my example, to sanction such a course. I pretend to no privilege of interference with the private affairs of any, and should the journal I control offend in this way, I shall hold myself justly amenable; but I do claim, and will exercise, the right of commenting frankly and freely on all matters of public concern, and upon the conduct of all who stand in public relations towards them.

“ Very respectfully, yours, &c.,

“ MORTON McMICHAEL.”

Mr. Connelly replied : —

“ *Philadelphia, September 22.*

“ MORTON McMICHAEL, Esq. : — Dear Sir, I have just received your note, in which you decline to give the personal satisfaction which Mr. Cooper has a right to expect. Under these circumstances, no further correspondence is necessary.

Respectfully, yours,

“ HARRY CONNELLY.”

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DORSEY, Captain H. P., and R. BEVENS. In California, 1854. The former Land Register at Los Angeles, the latter connected with an Indian Land Reserve. Both wounded; Dorsey in the abdomen, Bevens in the arm.



## APPENDIX.

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### No. I.

#### EFFORTS OF GENERAL CHARLES COTESWORTH PINCKNEY TO SUPPRESS DUELLING.

It is possible that some persons of the present generation need to be informed that the opinion of this gentleman upon every subject of public concern is entitled to the most respectful consideration. He was a native of South Carolina, of which Colony his father was Chief Justice. He was sent to England to be educated, and acquired there a high reputation as a scholar. He completed his legal studies in the Temple during the controversies which preceded the Revolution, and returned to South Carolina and entered upon the duties of his profession. His services in the field were soon required. He was commissioned a captain, and rose rapidly to the command of a regiment. In the battles of Brandywine and Germantown he was an aide-de-camp to Washington, and acquitted himself with distinguished honor. Transferred to the South at a subsequent period of the war, and to the defence of his native State, his zeal and good conduct were much commended by military men of rank. At the fall of Charleston he became a close prisoner, and was refused the privilege even of following to the tomb the remains of his only son. He was a member of the Convention that framed the Constitution of the United States, and exerted great influence in procuring its adoption by the people of South Carolina. The affection and confidence of Washington were often manifested, since he offered him successively the offices of Judge of the Supreme Court of the United States, of Secretary of War, of Secretary of State, of Minister to France, and of Major-General in the army. He declined the judicial and cabinet appointments, but accepted the others. His love of country was of the loftiest

kind, and two instances of his exhibition of it may be mentioned. Thus, when abroad on his mission, and the French agents demanded a loan as a prerequisite to a treaty, he replied, "*Millions for defence, but not a cent for tribute*"; a sentiment which has passed into a maxim. So again, when some of his friends, solicitous for his honor, advised him to resent the supposed injustice of the Commander-in-chief in naming Hamilton (his junior in the army of the Revolution) as his superior in the army raised during the difficulties with France, he said, "I am confident that General Washington has sufficient reasons for this preference. *Let us first dispose of our enemies; we shall then have leisure to settle the question of rank.*"

When, in the year 1800, General Pinckney was a candidate for the Vice-Presidency, Hamilton preferred him to Mr. Adams for the first office. In the election for the fifth term, he was the opponent of Jefferson, and in that for the sixth, of Madison, for the Presidency. In private life he was one of the most exemplary of men. His manners were frank, his morals pure, his religious affections warm and active, his charities broad and liberal.

The fall of Hamilton was the immediate cause of the two papers here inserted. The first is an official communication as Vice-President-General of the Society of the Cincinnati of the United States, to the President of the New York State Society of the Cincinnati, and is dated at Charleston, South Carolina, August 18, 1804.

"SIR,— With deep affliction, I received the account of our irreparable loss by the death of our late President-General. This deplorable event has been sensibly felt and lamented in this part of the Union, even by those who were not personally acquainted with him, and who did not coincide with him in politics. By me, who have witnessed his calm intrepidity and heroic valor, on trying occasions, and was acquainted with his transcendent abilities and amiable qualities, and honored with his particular friendship, his loss is most poignantly felt, and his memory will be ever most affectionately revered.

"Is there no way of abolishing, throughout the Union, this absurd and barbarous custom, to the observance of which he fell a victim? Duelling is no criterion of bravery; for I have seen cowards fight duels, and I am convinced real courage may often be better shown in the refusal than in the acceptance of a challenge. If the Society of Cincinnati were to declare their abhorrence of this practice, and the determination of all their members to discourage it as far as they had influence, and on no account either to send or accept a challenge, it might tend to annul this odious custom, and would be a tribute of respect to the sentiments and

memory of our late illustrious chief. If the State Society of New York should coincide with me in opinion, I should be glad to have their sentiments how best to carry it into execution; whether by submitting it to a meeting of the General Society at New York, Philadelphia, or Baltimore, or by referring the matter at once to the different State Societies, for their consideration.

"I have this day received your favor of the 25th of July, and am much obliged to the State Society, and to yourself, for it. With sentiments of great respect, I have the honor to be

"Your most obedient servant,

"CHARLES COTESWORTH PINCKNEY, V. P. G. S. C."

The above communication was followed, in September of the same year, by the following circular. It was addressed to clergymen and others of standing in South Carolina, with the accompanying Memorial. The postscript was, however, omitted in the letters to laymen.

"SIR, — Having been appointed by the South Carolina State Society of the Cincinnati, and the American Revolution Society, a joint committee for draughting and circulating a memorial to the Legislature, praying for legislative interference to restrain the practice of *duelling*, we have agreed on the inclosed memorial, and transmit it to you, with our earnest request that you would use your most vigorous exertions to have it generally signed. It is unnecessary to dilate on the mischievous consequences of *duelling*, to induce your endeavors to check a practice so dishonorable to this State, in which it is our boast to be governed by laws, and not by men. The necessity of applying to the Legislature on the subject, is obvious; for it is well known that the existing laws have never brought any duellist to serious inconveniences, and there is well-founded reason for believing that they never can, in consequence of the weight of precedents to the contrary. Our only alternative, therefore, is to acquiesce in the practice of *duelling*, or to restrain it by a new law. The difficulties of framing any law that may afford an adequate remedy to the evil are great, but not insurmountable.

"It is not to be supposed that our Legislature is less wise than that of several of our sister States, whose laws have been so operative, that in several of them *duels* are absolutely unknown. If a respectable number of the friends of good government, morality, and religion sign the memorial we have forwarded, or any similar one, the Legislature, ever attentive to the wishes of their constituents, will enter seriously on the business, and we doubt not of their *ability* to frame such regulations as will certainly abolish the evil.

"Independent of any law which may be passed, the sentiments of the most respectable part of the community, in opposition to *duelling*, declared and avowed by signing the memorial, will have a very beneficial effect. It will tend to correct the public opinion, and to restrain all who wish for the esteem of their fellow-citizens from engaging in a practice which the virtue and good sense of the community have so pointedly

denounced. These, and many other arguments which must occur on reflection, will be sufficient to convince you, that, in procuring signers to the memorial, you will do a service acceptable to God and beneficial to man. We have further to request you to forward the memorial to Columbia, by the first Monday in November next, that they may all be presented together to the Legislature on the first day of their meeting; when we hope for the sublime pleasure of seeing an abhorrence of duelling pointedly expressed by many thousands of our most deserving citizens.

We are, with great respect,

Your most obedient servants,

" CHARLES C. PINCKNEY,	} Committee of the Cincinnati.
JAMES KENNEDY,	
WILLIAM READ,	
" DAVID RAMSAY,	} Committee of the American Revolution Society.
HENRY W. DESAUSSURE,	
WILLIAM ALLEN DEAS,	
JAMES LOWNDES,	
RICHARD FURMAN,	

" P. S. Impressed with a firm belief that many advantages would result from illuminating the public mind on the inconsistency of the spirit and principles of the practice against which the memorial is levelled, with the spirit and principles of our holy religion, we earnestly request, as a particular favor, that you would, at some convenient early day, preach a sermon on the sin and folly of *duelling*. When the public sentiment is correctly made up on this subject, the advocates for duelling will be struck with their inconsistency in claiming for themselves the high and honorable appellation of Christians. In our opinion, public previous notice of the day on which the proposed sermon will be preached would in general be both proper and useful; but on this subject you will judge for yourself.

" To the Honorable the President and Members of the Senate, and the Honorable the Speaker, and the other Members of the House of Representatives of the State of South Carolina.

" The Memorial of the subscribers, citizens of the said State, sheweth,

" That your memorialists are deeply impressed with grief at the prevalence of the custom of *duelling*, which, trampling upon all laws, human and divine, sweeps off many useful citizens, leaving their families a prey to sorrow, and often to poverty and vice.

" That this custom originated in dark and barbarous ages, when a regular and impartial administration of justice was unknown and unpractised; but it ought not to be tolerated by the civilization of modern times, under a legislation which has provided, or may easily provide, adequate redress for all serious injuries committed against the life, liberty, fame, or property of the citizen.

" That this custom erects a tribunal for the settlement of personal differences, in which, contrary to all sound principles, a man becomes the sole judge in his own cause; whence, as might have been expected

from such a code, the only punishments for the lowest, as well as highest offences, are written in blood.

"That restraining personal resentments, by giving the attribute of vengeance to the laws, was the greatest victory obtained by civilization over barbarism;—but the custom of *duelling* is too well calculated to defeat the beneficial effects of that triumph, and to weaken the authority of all laws, by accustoming men to condemn their sanctions.

"That your memorialists are apprehensive, from the frequency of the practice of late years, that this custom is gaining ground, and seems likely to be carried to such great lengths, as to degrade men to the condition of gladiators, and to introduce anew the reign of barbarism.

"That, from the nature of the human mind, men are ever ready to follow examples, especially those set by eminent persons; when, therefore, the body of the community perceives great, and in other respects virtuous citizens, shedding each other's blood on slight provocations, or trivial pretences, the fatal practice becomes general. Thus the barriers between virtue and vice, innocence and guilt, are broken down; and that horror of shedding human blood wantonly, which is the best safeguard of the peace of society, is greatly diminished, or wholly destroyed.

"That, in countries where distinctions of rank are sanctioned, a pernicious custom may exist, and be confined to the higher orders of society, and be comparatively little destructive;—but that, in our country of equal laws, rights, and rank, such custom, if unchecked by the laws, will necessarily become general, and spread its destructive effects far and wide in the community, to the desolation of thousands of families.

"That this mortal vengeance is not resorted to merely in cases of grievous injuries, for which the laws may not have provided an adequate remedy; but in many cases of trivial offence, which a generous mind would willingly pardon, this tyrant custom is supposed to impose an obligation to call out to the field of blood even a companion or friend, who may have unguardedly given the provocation.

"That this absurd custom decides no right, and settles no point; as the religion and philosophy of modern times will not admit that the Almighty Disposer of events will interpose his power on such an impious appeal to his justice; which the credulity of the Gothic nations believed when this custom existed among them in the form of judicial combat. It is, therefore, conceded universally, that the innocent and aggrieved person is as likely to be the victim as the guilty offender, and probably more so, as a mild and peaceable man would be less inclined to acquire or exert a murderous skill, the effect of which he abhors.

"That the pretence of those who would excuse this custom on the ground that it polishes society, and prevents assassination, is wholly unfounded; as the most polished nations of ancient times, the Grecians and Romans, and the most humane and civilized nations of modern times, the Chinese, have enjoyed society in perfection, without the adventitious aid of this pernicious and unnatural custom; which, though in direct hostility to the principles of Christianity, prevails only in Christian Europe and America.



"Your memorialists have been informed, that, although the common law of the land declares homicide in a duel to be murder, the law has become obsolete, and a dead letter ;—that all the decisions in our courts of justice have turned wholly on the fairness with which the duel was conducted; and verdicts of acquittal, or of manslaughter, have constantly been rendered. Thence arises a necessity for a clear and explicit expression of the legislative will, on this important subject, guaranteed by new and vigorous sanctions.

"Your memorialists, therefore, humbly pray that your honorable house would be pleased to take this important subject into your most serious consideration; and that you would, in your wisdom, provide such remedies as may effectually destroy the evil practice complained of, by regulations wisely calculated to protect the fame and feelings of the innocent and insulted person; and to punish rigorously the bold offender who shall dare to lift his hand against his neighbor, and shed his blood in a duel, in violation of the Divine law and the law of his country."

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## No. II.

### SENTIMENTS OF THE HON. ROBERT BARNWELL RHETT, LATE SENATOR IN CONGRESS FROM SOUTH CAROLINA, ON THE SUBJECT OF DUELLING.

THESE sentiments are mentioned with commendation in the Preliminary Essay to this work; and may be cited here at some length. In 1852, a personal controversy arose in the Senate between Mr. Rhett and the Hon. Jeremiah Clemens, a Senator from Alabama, which, at intervals, occupied the time of that body for several days. On the 27th of February, the latter gentleman, referring to a previous speech of Mr. Rhett, said :—

"He says that I called him a knave and a traitor. No man who heard that speech of mine ever entertained such an opinion, but himself. The allusion to knavery was an illustration, not a charge. But, if I had done so, the subsequent course of that Senator justifies me in adding the epithet of coward to that of knave and traitor."

*The President.* "The Senator must not use expressions of that kind."

*Mr. Clemens.* "I am not out of order, Mr. President, and I intend, if I can, to keep within the rules of order; but there are some things which I must say, and which I will say. If, when he believed that the charge of knavery was pending against him, he brooded over it, and took more than two months to prepare himself for a deliberate speech to answer it on the floor of the Senate, he does not deserve the character

of a man. No man, with the feeling of a man in his bosom, who believed such a charge was pending against him, would have sought redress here. He would have looked for it elsewhere. He submitted to it then, and now comes here, not to ask redress in the only way he should have sought it, but, as he says, to discredit the witness; and how does he propose to do it? He begins with the evidence of two of his co-conspirators. Now, in my State, they are not allowed by law to give evidence for one another. But that is not all. He has evaded the point. He has sought to create a false impression upon the Senate and the country."

Mr. Rhett, in the course of his reply, on the 28th of the same month, as officially reported, remarked:—

"Mr. President, the course of the Senator from Alabama is precisely that which I expected it would be. I anticipated it in a conversation with a friend before I spoke. He had, without any cause on my part, stigmatized me here, on this floor, as one guilty of treason and knavery. I knew very well that a man who would commit such an offence, who would insult without provocation, would not hesitate, under the exposure I intended to make, to add insult to insult. Therefore, when he yesterday pursued the course which he did pursue, it was precisely what I expected.

"I did not, as the Senator charges, brood two months over his attack. He heard what I stated on this point in his presence in the Senate. I stated that I neither knew nor heard of what he had said concerning me, until just before I was leaving my home in South Carolina to come to this city. On my arrival here, I waited for the resolution, on which he had attacked me, to come up for consideration. Seeing the course of things, I was in no hurry to read his speech. But, not many days since, about ten days, I suppose, I got the Senator's speech from the folding-room, and read it. I sent also for a copy of the speech of the Senator from Michigan [Mr. Cass], who I heard had honored me with his notice. It did not require much brooding to determine my course. I made up my mind that it became me, as a man and as a Senator, not to allow these imputations to pass unnoticed in the Senate. I was equally convinced that my reply to the Senator from Alabama would be followed by additional and probably aggravated insult. If he insulted me gratuitously, what right had I to expect that, when exposed before the Senate, he would be more forbearing. He is come up precisely to the estimate I had put upon his character.

"The Senator from Alabama denies that he meant to charge me with knavery and treason. Now I will read his words again to the Senate, and then I will leave the Senate to judge what their import is; and I will call upon the Senator from Alabama to say, if that is not their import, what they do mean. Here is what he says:—

"There was the Senator from Massachusetts [Mr. Sumner], the Senator from Ohio [Mr. Chase], and the Senator from New Hampshire [Mr. Hale], gathered about him in a sort of fraternal ring, while the countenance of the Senator from New York [Mr. Seward] was radiant

with gladness. Thus was exhibited the spectacle of an extreme Southern Senator denouncing in no measured terms the government of this country, and declaring himself a disunionist, on account of alleged wrongs heaped upon him, with four as rabid Abolitionists as this land contains drinking in his words with eager approbation, — *applauding, cheering,* and encouraging him. All this was nothing new to us, however strange it may appear to the plain and honest yeomanry of the country. Nor was it, when calmly considered, at all unnatural.

“A fellow feeling makes us wondrous kind.”

*There is a sympathy in treason as well as in knavery; and those who are earnestly striving to accomplish the same end need not quarrel about the separate means employed.*

“Now here the Senator charges that there is a sympathy between these Senators and myself upon the matter of disunion; and he then observes, that there is a sympathy in treason as well as in knavery. Is not that plainly charging us with treason and knavery? I will leave the Senator from Alabama to explain if that is not his meaning of his words.”

*Mr. Clemens.* “There is not a Senator on this floor who does not understand it precisely as I do. There is no more charge of knavery against him than there is against the Senator from Massachusetts, or the Senator from Ohio, — against whom I never meant to make such a charge. There is a charge of disunion; and he had himself avowed that he was a disunionist.”

*Mr. Rhett.* “If that is all the Senator has to say, his words stand unexplained. I ask him to explicate from his words I quote another meaning than that I put upon them. He does not attempt to do so. He says that they do not contain the charge I allege they do contain. That is denial; but it is no proof. In his failure to show that they contain any other meaning than that I put upon them, he virtually admits that he cannot make his disclaimer consistent with his words. His words mention persons, — declare that they are in concert to accomplish a certain end, and then assert that ‘there is sympathy in treason as well as knavery.’ The Senator can take his choice between two alternatives. He was either using words without meaning anything by them, and thus talking nonsense to the Senate, or he did by his words make the charge I deduced from them. No man of sense can draw any other meaning from his words.

“Now, Mr. President, I admit that this was a gross and wanton insult, and I admit, too, that, acting upon ‘the code of honor,’ I ought not to have waited a month, or a day, or a moment, before I had required him to retract or fight. That is the course we are accustomed to pursue in the State I represent. I was perfectly aware of my position. I did not require the Senator from Alabama to tell me what I ought to have done, as a man of the world and a man of honor. But, Sir, I am a professor of the religion of Christ. I did not think it proper to challenge the Senator for two very important reasons. The first was, because I had another object in view, and still have it, far above the vindication



## No. III.

## SENTIMENTS OF ELIPHALET NOTT, D.D., ON DUELLING.

THE following passages are extracted from a *Sermon* delivered by this eminent man,—who yet survives,—in the North Dutch Church, Albany, New York, July 29, 1804, in consequence of the death of Hamilton. Dr. Nott at that time was pastor of the Presbyterian Church in that city. The discourse had a wide circulation, and was considered as among the ablest performances, whether of the pulpit or of the forum, of which that sad event was the occasion, in different parts of the Union. It contains some expressions which, perhaps, need qualification, and some opinions which will not receive universal assent. The parts omitted here are such, principally, as do not relate directly to Hamilton, and the code to which he was the victim : —

“The occasion explains the choice of my subject. A subject on which I enter in obedience to your request. You have assembled to express your elegiac sorrows, and sad and solemn weeds cover you.

“Before such an audience, and on such an occasion, I enter on the duty assigned me with trembling. Do not mistake my meaning. I tremble indeed,—not, however, through fear of failing to merit your applause ; for what have I to do with that when addressing the dying, and treading on the ashes of the dead,—not through fear of failing justly to portray the character of that great man who is at once the theme of my encomium and regret : he needs not eulogy. His work is finished, and death has removed him beyond my censure, and I would fondly hope, through grace, above my praise.

“You will ask, then, why I tremble ? I tremble to think that I am called to attack from this place a crime, the very idea of which almost freezes one with horror,—a crime, too, which exists among the polite and polished orders of society, and which is accompanied with every aggravation ; committed with cool deliberation,—and openly in the face of day !

“But I have a duty to perform. And, difficult and awful as that duty is, I will not shrink from it.

“Would to God my talents were adequate to the occasion. But such as they are, I devoutly proffer them to unfold the nature and counteract the influence of that barbarous custom, which, like a resistless torrent, is undermining the foundations of civil government,—breaking down the barriers of social happiness, and sweeping away virtue, talents, and domestic felicity, in its desolating course.

“Another and an illustrious character,—a father, a general, a statesman,—the very man who stood on an eminence and without a rival, among sages and heroes, the future hope of his country in danger,—this man, yielding to the influence of a custom which deserves our eternal reprobation, has been brought to an untimely end. . . . .

"The fall of Hamilton owes its existence to mad deliberation, and is marked by violence. The time, the place, the circumstances, are arranged with barbarous coolness. The instrument of death is levelled in day-light, and with well-directed skill pointed at his heart. Alas! the event has proven that it was but too well directed. Wounded, mortally wounded, on the very spot which still smoked with the blood of a favorite son, into the arms of his indiscreet and cruel friend the father fell.

"Ah! had he fallen in the course of nature; or jeopardizing his life in defence of his country, had he fallen — But he did not. He fell in single combat. Pardon my mistake, — he did not fall in single combat. His noble nature refused to endanger the life of his antagonist. But he exposed his own life. This was his crime: and the sacredness of my office forbids that I should hesitate explicitly to declare it so.

"He did not hesitate to declare it so himself: 'My religious and moral principles are strongly opposed to duelling.' These are his words before he ventured to the field of death. 'I view the late transaction with sorrow and contrition.' These are his words after his return. . . .

"Think not that the fatal issue of the late inhuman interview was fortuitous. No; the Hand that guides unseen the arrow of the archer, steadied and directed the arm of the duellist. And why did it thus direct it? As a solemn *memento*, — as a loud and awful warning to a community where justice has slumbered — and slumbered — and slumbered — while the wife has been robbed of her partner, the mother of her hopes, and life after life rashly, and with an air of triumph, sported away.

"And was there, O my God! no other sacrifice valuable enough, — would the cry of no other blood reach the place of retribution and wake justice, dozing over her awful seat!

"But though justice should still slumber and retribution be delayed, we who are the ministers of that God who will judge the judges of the world, and whose malediction rests on him who does his work unfaithfully, — we will not keep silence.

"I feel, my brethren, how incongruous my subject is with the place I occupy.

"It is humiliating; it is distressing in a Christian country, and in churches consecrated to the religion of Jesus, to be obliged to attack a crime which outstrips barbarism, and would even sink the character of a generous savage. But humiliating as it is, it is necessary.

"And must we then, even for a moment, forget the elevation on which grace hath placed us, and the light which the Gospel sheds around us? Must we place ourselves back in the midst of barbarism? And instead of hearers softened to forgiveness by the love of Jesus, filled with noble sentiments towards our enemies, and waiting for occasions, after the example of Divinity, to do them good, — instead of such hearers, must we suppose ourselves addressing hearts petrified to goodness, incapable of mercy, and boiling with revenge? Must we, O my God! instead of exhorting those who hear us to go on unto perfection, add-

ing to *virtue charity, and to charity brotherly kindness*, — must we, as if surrounded by an auditory just emerging out of darkness, and still cruel and ferocious, reason to convince them that revenge is improper, and that to commit deliberate murder is sin?

"Yes, we must do this. Repeated violations of the law, and the sanctuary, which the guilty find in public sentiment, prove that it is necessary. . . . .

"In accomplishing the object which is before me, it will not be expected, as it is not necessary, that I should give a history of *Duelling*. You need not be informed that it originated in a dark and barbarous age. The polished Greek knew nothing of it. The noble Roman was above it. Rome held in equal detestation the man who exposed his life unnecessarily, and him who refused to expose it when the public good required it.\* Her heroes were superior to private contests. They indulged no vengeance except against the enemies of their country. Their swords were not drawn unless her honor was in danger; which honor they defended with their swords not only, but shielded with their bosoms also, and were then prodigal of their blood.

"But though Greece and Rome knew nothing of *Duelling*, it exists. It exists among us: and it exists at once the most *rash*, the most *absurd* and *guilty* practice, that ever disgraced a Christian nation. . . . .

"The duellist contravenes the law of God not only, but the law of man also. To the prohibition of the former have been added the sanctions of the latter. Life taken in a duel, by the common law, is murder. And where this is not the case, the giving and receiving of a challenge only is, by statute, considered a high misdemeanor, for which the principal and his second are declared infamous, and disfranchised for twenty years.

"Under what accumulated circumstances of aggravation does the duellist jeopardize his own life, or take the life of his antagonist?

"I am sensible that in a licentious age, and when laws are made to yield to the vices of those who move in the *higher circles*, this crime is called by I know not what mild and accommodating name. But before these altars, in this house of God, what is it? It is MURDER, — *deliberate, aggravated MURDER*.

"If the duellist deny this, let him produce his warrant from the Author of life, for taking away from his creature the life which had been sovereignly given. If he cannot do this, beyond all controversy, he is a murderer, for murder consists in taking away life without the permission, and contrary to the prohibition, of Him who gave it.

"Who is it then that calls the duellist to the dangerous and deadly combat? Is it God? No; on the contrary, he forbids it. Is it then his country? No; she also utters her prohibitory voice. Who is it then? A man of honor. And who is this man of honor? A man perhaps whose honor is a name, — who prates with polluted lips about the sacredness of character, when his own is stained with crimes, and

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\* Sallust. de Bell. Catil. ix.

needs but the single shade of murder to complete the dismal and sickly picture. . . . .

"Is duelling guilty? So it is

"Absurd. It is absurd as a punishment, for it admits of no proportion to crimes: and besides, virtue and vice, guilt and innocence, are equally exposed by it to death or suffering. As a reparation, it is still more absurd, for it makes the injured liable to a still greater injury. And as the vindication of personal character, it is absurd even beyond madness.

"One man of honor, by some inadvertence, or perhaps with design, injures the sensibility of another man of honor. In perfect character the injured gentleman resents it. He challenges the offender. The offender accepts the challenge. The time is fixed. The place is agreed upon. The circumstances, with an air of solemn mania, are arranged; and the principals, with their seconds and surgeons, retire under the covert of some solitary hill, or upon the margin of some unfrequented beach, to settle this important question of honor, by stabbing or shooting at each other.

"One or the other, or both the parties, fall in this polite and gentlemanlike contest. And what does this prove? It proves that one or the other, or both of them, as the case may be, are marksmen. But it affords no evidence that either of them possesses honor, probity, or talents.

"It is true that he who falls in single combat has the honor of being murdered: and he who takes his life, the honor of a murderer. Besides this, I know not of any glory which can redound to the infatuated combatants, except it be what results from having extended the circle of wretched widows, and added to the number of hapless orphans. . . . .

"Since the opinions of men are as they are, do you ask, how you shall avoid the imputation of cowardice, if you do not fight when you are injured? Ask your family how you will avoid the imputation of cruelty, — ask your conscience how you will avoid the imputation of guilt, — ask God how you will avoid his malediction, if you do? These are previous questions. Let these first be answered, and it will be easy to reply to any which may follow them.

"If you only accept a challenge when you believe in your conscience that duelling is wrong, you act the coward. The dastardly fear of the world governs you. Awed by its menaces, you conceal your sentiments, appear in disguise, and act in guilty conformity to principles not your own, and that too in the most solemn moment, and when engaged in an act which exposes you to death.

"But if it be rashness to accept, how passing rashness is it, in a sinner, to give a challenge? Does it become *him*, whose life is measured out by crimes, to be extreme to mark, and punctilious to resent, whatever is amiss in others? Must the duellist, who now, disdaining to forgive, so imperiously demands satisfaction to the uttermost, — must this man himself, trembling at the recollection of his offences, presently appear a



suppliant before the mercy-seat of God? Imagine this, and the case is not imaginary, and you cannot conceive an instance of greater inconsistency, or of more presumptuous arrogance. Wherefore, *avenge not yourselves, but rather give place unto wrath; for vengeance is mine, I will repay it, saith the Lord.*

"Do you ask, then, how you shall conduct towards your enemy who hath lightly done you wrong? If he be hungry, feed him; if naked, clothe him; if thirsty, give him drink. Such, had you preferred your question to *Jesus Christ*, is the answer he had given you. By observing which, you will usually subdue, and always act more honorably than your enemy. . . . .

"Compare the conduct of the Christian, acting in conformity to the principles of religion, and of the duellist, acting in conformity to the principles of honor, and let reason say which bears the marks of the most exalted greatness. Compare them, and let reason say which enjoys the most calm serenity of mind in time, and which is likely to receive the plaudits of his Judge in immortality.

"God, from his throne, beholds not a nobler object on his footstool, than the man who loves his enemies, pities their errors, and forgives the injuries they do him. This is indeed the very spirit of the heavens. It is the image of *his* benignity, whose glory fills them.

"To return to the subject before us. *Guilty, absurd, and rash*, as duelling is, it has its advocates. And had it not had its advocates, — had not a strange preponderance of opinion been in favor of it, never, O lamentable *Hamilton!* hadst thou thus fallen, in the midst of thy days, and before thou hadst reached the zenith of thy glory!

"O that I possessed the talent of eulogy, and that I might be permitted to indulge the tenderness of friendship in paying the last tribute to his memory! O that I were capable of placing this great man before you! Could I do this, I should furnish you with an argument, the most practical, the most plain, the most convincing, except that drawn from the mandate of God, that was ever furnished against duelling, that horrid practice, which has in an awful moment robbed the world of such exalted worth. . . . .

"I know he had his failings. I see on the picture of his life, a picture rendered awful by greatness, and luminous by virtue, some dark shades. — On these let the tear that pities human weakness fall; on these let the veil which covers human frailty rest. — As a hero, as a statesman, as a patriot, he lived nobly: and would to God I could add, he nobly fell.

"Unwilling to admit his error in this respect, I go back to the period of discussion. I see him resisting the threatened interview. I imagine myself present in his chamber. Various reasons, for a time, seem to hold his determination in arrest. Various and moving objects pass before him, and speak a dissuasive language.

"His country, which may need his counsels to guide, and his arm to defend, utters her *veto*. The partner of his youth, already covered with weeds, and whose tears flow down into her bosom, intercedes! His



are my witnesses, — the walls of yonder temple, where I have heretofore addressed you, are my witnesses, — how freely I have animadverted on this subject, in the presence both of those who have violated the laws, and of those whose indispensable duty it is to see the laws executed on those who violate them.

"I enjoy another opportunity; and would to God I might be permitted to approach for once the late scene of death. Would to God I could there assemble on the one side the disconsolate mother with her seven fatherless children, — and on the other, those who administer the justice of my country. Could I do this, I would point them to these sad objects. I would entreat them, by the agonies of bereaved fondness, to listen to the widow's heartfelt groans; to mark the orphans' sighs and tears. And having done this, I would uncover the breathless corpse of *Hamilton*, — I would lift from his gaping wound his bloody mantle, — I would hold it up to heaven before them, and I would ask, in the name of God, I would ask, whether at the sight of it they felt no compunction?

"You will ask, perhaps, what can be done to arrest the progress of a practice which has yet so many advocates? I answer, *nothing*, — if it be the deliberate intention to do *nothing*. But if otherwise, much is within our power.

"Let, then, the Governor see that the laws are executed; let the Council displace the man who offends against their majesty; let courts of justice frown from their bar, as unworthy to appear before them, the murderer and his accomplices; let the people declare him unworthy of their confidence who engages in such sanguinary contests. Let this be done, and, should life still be taken in single combat, then the Governor, the Council, the court, the people, looking up to the Avenger of sin, may say, 'We are innocent, we are innocent.'

"Do you ask how proof can be obtained? How can it be avoided? The parties return, hold up before our eyes the instruments of death, publish to the world the circumstances of their interview, and even, with an air of insulting triumph, boast how coolly and deliberately they proceeded in violating one of the most sacred laws of earth and heaven!

"Ah! ye tragic shores of Hoboken, crimsoned with the richest blood, I tremble at the crimes you record against us, — the annual register of murders which you keep and send up to God! Place of inhuman cruelty! beyond the limits of reason, of duty, and of religion, where man assumes a more barbarous nature, and ceases to be man. What poignant, lingering sorrows do thy lawless combats occasion to surviving relatives!

"Ye who have hearts of pity, ye who have experienced the anguish of dissolving friendship, who have wept, and still weep, over the mouldering ruins of departed kindred, ye can enter into this reflection."

## No. IV.

THE LAW OF ENGLAND RELATIVE TO CHALLENGES  
AND DUELS.

THESE offences are thus described in the books : —

“ *Duel*, in our ancient law, is a fight between persons in a doubtful case for the trial of the truth. *Fleta*. See tit. *Battel*. But this kind of duel is disused ; and what we now call a *duel* is a fighting between two, upon some quarrel precedent : wherein, if a person is killed, both the principal and his seconds are guilty of murder, and whether the seconds fight or not. *H. P. C.* 47, 51.

“ If two persons quarrel over night, and appoint to fight the next day ; or quarrel in the morning, and agree to fight in the afternoon ; or such a considerable time after, by which it may be presumed the blood was cooled ; and then they meet and fight a duel, and one kill the other, it is murder. 3 *Inst.* 52. *H. P. C.* 48. *Kel.* 56. And whenever it appears, that he who kills another in a *duel*, or fighting on a sudden quarrel, was master of his temper at the time, he is guilty of murder : as if, after the quarrel, he fall into another discourse, and talk calmly thereon ; or allege that the place where the quarrel happens is not convenient for fighting ; or that his shoes are too high, if he should fight at present, &c. *Kel.* 56. 1 *Lev.* 180.

“ If one *challenge* another, who refuses to meet him, but tells him that he shall go the next day to such a place about business, and then the challenger meets him on the road, and assaults the other ; if the other, in this case, kill him, it will be only manslaughter ; for here is no acceptance of the challenge, or agreement to fight ; and if the person challenged refuseth to meet the challenger, but tells him that he wears a sword, and is always ready to defend himself, if then the challenger attack him, and is killed by the other, it is neither murder nor manslaughter, if necessary in his own defence. *Kel.* 56.

“ If one kill another in a deliberate duel, under provocation of charges against his character and conduct, however grievous, it is murder in him and in his second ; and therefore the bare incitement to fight, though under such provocation, is in itself a very high misdemeanor, though no consequence ensue thereon against the peace. 3 *East's Rep.* 581.

“ An endeavor to provoke another to commit the misdemeanor of sending a challenge to fight, is itself a misdemeanor indictable, particularly where such provocation was given by a writing, containing libelous matter, and alleged to have been done with intent to do the party bodily harm, and to break the king's peace ; the sending such writing being an act done towards procuring the commission of the misdemeanor meant to be accomplished. 6 *East's Rep.* 464.”

The case, *The King vs. Rice*, in the Court of King's Bench, in 1803, cited above from East's Reports, is of interest, and follows at length. Rice was a lieutenant in the British navy, and was tried for having sent to a superior officer a letter in the nature of a challenge, in consequence of an offensive course of conduct pursued towards him while on duty. The case is curious, as being one of the very few in the annals of British jurisprudence in which *any* punishment has been inflicted for sending a hostile message. In *this* case, it may be conjectured that Rice was imprisoned and fined, not so much for "the intended violation of the peace," as for the actual breach of the rules of the naval service. The judgment of the Court was pronounced by Sir Nash Grose, Knight, who,

"in passing sentence upon the defendant, censured strongly several circumstances of provocation on the part of the prosecutor, which had led to the challenge given by the defendant. And as to the offence itself, he observed: This offence in modern times is so frequent, that it is become alarming to the public, and induces me to suspect that men either are not aware of the consequences the offence may lead to, or are become insensible to the mischiefs of them. That fighting a duel is a grievous breach of the peace is undoubted, and that it ought to be so considered is as clear; inasmuch as it may lead to one of the worst of crimes, *murder*; the murder of one probably, and possibly of more. I lay stress upon the word *murder*, because I fear some are ignorant, and others will perversely not understand, that to kill a man in a duel amounts to the crime of deliberate murder, whether he that gave or he that accepted the challenge fall. To every lawyer this is a proposition perfectly clear; but that others who are not of the profession may as perfectly be assured of it, I will read only a passage or two from the most able writers upon the subject, to show that it is a doctrine not of modern date, but coeval with the first institution of our laws. By Sir Matthew Hale, as correct, as learned, and as humane a judge as ever graced a bench of justice, we find it laid down,\* that if A challenge C to meet in the field to fight, and C decline it *as much as he can*, but is threatened by A to be posted for a coward, (an ingredient to be found, I fear, in this case in substance, though not in terms,) if he meet not; and thereupon A, and B his second, and C, and D his second, meet and fight, and C kill A; this is murder in C, and D his second, and so ruled in *Taverner's case*; † in which case, tried before this Court of King's Bench, in this place, it appeared that the deceased was the challenger, and that the prisoner accepted the challenge, as the case terms it, *upon very forcible provocation*. Sir Edward Coke, the Lord Chief Justice, laid down the law thus: 'This is a *plain* case, and *without any ques-*

\* 1 Hale's P. C. 452.

† 1 Rol. Rep. 360; 3 Bulstr. 171.

tion; if one kill another in fight, upon the provocation of him which is killed, this is murder.\* Of the same opinion were the rest of the Court. In this case, it is to be observed that the second, one Thomas Musgrave, as well as the principal, was indicted, and the second was outlawed. This precedent may well deter others from taking upon them so illegal and improper an office. And such has been the law recognized at different times down to the present moment, as we may observe by what is laid down by a very learned and able judge † of the last reign. His words are, 'that, in all possible cases, deliberate homicide upon a principle of revenge is murder; for no man under the protection of the law is to be the avenger of his own wrongs. If they are of such a nature, for which the laws of society will give him an adequate remedy, thither he ought to resort; but be they of what nature soever, he ought to bear his lot with patience, and remember that vengeance belongeth only to the Most High.' Then he goes on: 'Upon this principle, deliberate duelling, if death ensueth, is in the eye of the law *murder*; for duels are generally founded in deep revenge; and though a person should be drawn into a duel, not upon a motive so criminal, but merely upon the punctilio of what the swordsmen *falsely call honor*, that will not excuse; for he that deliberately seeketh the blood of another on a private quarrel, acteth in defiance of all laws, human and divine, whatever his motive may be.' Here, too, we may note this excellent man's opinion upon that punctilio of honor, by the rules of which some men affect to palliate, and others to justify, crimes of the blackest dye, the grossest frauds, gambling, seduction, adultery, murder. Such was and is the law of honor, and no man who will attend to the subject can doubt of it. In this case, if the prosecutor had not obeyed the law, by consulting his own honor, and not the false honor of swordsmen, and either party had fallen, the other would have undoubtedly been guilty of murder, and liable to an ignominious and fatal sentence: from which had it been his fortune to escape, either from absence of witnesses, or any other means that sometimes occur to cause a failure of public justice, the remainder of his life must have been clouded with the dreadful remembrance that, for the purpose of giving or receiving that miserable thing falsely called *satisfaction*, he had unnecessarily imbrued his hands in the blood of a brother officer. Fortunately for the defendant, that crime he has not to atone for; he is to receive sentence only for attempting to provoke a duel. The punishment for this offence, as a misdemeanor, is discretionary, and must be guided by such circumstances of aggravation or mitigation as are to be found in the offence.

"He then adverted to the particular circumstances of the case, amongst which were several of a nature to mitigate very materially the offence, accompanied by affidavits of the defendant's general merits as an officer from many respectable officers of the navy; though there still remained, as he observed, much for which atonement should be made to the public for the intended violation of its peace. Wherefore,

\* 3 Bulstr. 172.

† Mr. Justice Foster in his Crown Law, 296.

upon the whole, the Court, taking into consideration the imprisonment already suffered by the defendant, (who had been brought up early in the term, and committed to custody in the mean time,) adjudged him to pay a fine of £100, and to be imprisoned for one calendar month, and at the expiration of that time to give security to keep the peace for three years, himself in £1,000, and two sureties in £250 each, and to be further imprisoned till such fine were paid and such securities given."

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## No. V.

## EXTRACT FROM THE SPECTATOR, No. 99.

THE great violation of the point of honor from man to man is giving the lie. One may tell another he whores, drinks, blasphemes, and it may pass unresented; but to say he lies, though but in jest, is an affront that nothing but blood can expiate. The reason perhaps may be, because no other vice implies a want of courage so much as the making of a lie; and therefore telling a man he lies, is touching him in the most sensible part of honor, and indirectly calling him a coward. I cannot omit under this head what Herodotus tells us of the ancient Persians, that from the age of five years to twenty they instruct their sons only in three things, to manage the horse, to make use of the bow, and to speak truth.

The placing of the point of honor in this false kind of courage has given occasion to the very refuse of mankind, who have neither virtue nor common sense, to set up for men of honor. An English peer, who has not been long dead,\* used to tell a pleasant story of a French gentleman, that visited him early one morning at Paris, and, after great professions of respect, let him know that he had it in his power to oblige him; which, in short, amounted to this, that he believed he could tell his lordship the person's name who jostled him as he came out from the opera; and before he would proceed, he begged his lordship that he would not deny him the honor of making him his second. The English lord, to avoid being drawn into a very foolish affair, told him he was under engagements for his two next duels to a

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\* It has been said that this was William Cavendish, the first Duke of Devonshire, who died August 18, 1707.

couple of particular friends. Upon which the gentleman immediately withdrew, hoping his lordship would not take it ill if he meddled no farther in an affair from whence he himself was to receive no advantage.

The beating down this false notion of honor, in so vain and lively a people as those of France, is deservedly looked upon as one of the most glorious parts of their present king's reign. It is a pity but the punishment of these mischievous notions should nave in it some particular circumstances of shame and infamy; that those who are slaves to them may see, that, instead of advancing their reputation, they lead them to ignominy and dishonor.

Death is not sufficient to deter men who make it their glory to despise it; but if every one that fought a duel were to stand in the pillory, it would quickly lessen the number of these imaginary men of honor, and put an end to so absurd a practice.

When honor is a support to virtuous principles, and runs parallel with the laws of God and our country, it cannot be too much cherished and encouraged; but when the dictates of honor are contrary to those of religion and equity, they are the greatest depravations of human nature, by giving wrong ambitions and false ideas of what is good and laudable; and should therefore be exploded by all governments, and driven out as the bane and plague of human society.

L.

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## No. VI.

### FROM THE TATLER.

THE *point* of the two papers which follow is apparent without a word. Steele assisted in the production of the first, but the last was written by Addison alone.

No. 256. *Tuesday, November 28, 1710.*

— Nostrum est tantas componere Lites. — *Virg.*

The Proceedings of the Court of Honor, held in Sheer Lane on Monday, the 20th of November, 1710, before Isaac Bickerstaffe, Esq., Censor of Great Britain.

PETER PLUMB, of London, merchant, was indicted by the  
29 \*



Honorable Mr. Thomas Gules, of Gule Hall, in the county of Salop, for that the said Peter Plumb did, in Lombard Street, London, between the hours of two and three in the afternoon, meet the said Mr. Thomas Gules, and, after a short salutation, put on his hat, value five-pence, while the Honorable Mr. Gules stood bare-headed for the space of two seconds. It was further urged against the criminal, that, during his discourse with the prosecutor, he feloniously stole the wall of him, having clapped his back against it in such a manner, that it was impossible for Mr. Gules to recover it again at his taking leave of him. The prosecutor alleged, that he was the cadet of a very ancient family, and that, according to the principles of all the younger brothers of the said family, he had never sullied himself with business, but had chosen rather to starve like a man of honor, than do anything beneath his quality. He produced several witnesses, that he had never employed himself beyond the twisting of a whip, or the making of a pair of nut-crackers, in which he only worked for his diversion, in order to make a present now and then to his friends. The prisoner being asked what he could say for himself, cast several reflections upon the Honorable Mr. Gules; as, "that he was not worth a groat; that nobody in the city would trust him for a halfpenny; that he owed him money, which he had promised to pay him several times, but never kept his word; and, in short, that he was an idle, beggarly fellow, and of no use to the public." This sort of language was very severely reprimanded by the censor, who told the criminal, that he spoke in contempt of the court, and that he should be proceeded against for contumacy, if he did not change his style. The prisoner therefore desired to be heard by his counsel, who urged in his defence, that he put on his hat through ignorance, and took the wall by accident. They likewise produced several witnesses, that he made sundry motions with his hat in his hand, which are generally understood as an invitation to the person we talk with to be covered; and that the gentleman not taking the hint, he was forced to put on his hat, as being troubled with a cold. There was likewise an Irishman, who deposed, that he had heard him cough three-and-twenty times that morning. And as for the wall, it was alleged, that he had taken it inadvertently, to save himself from a shower of rain, which was then falling. The censor, having consulted the men of honor, who sat at his right hand on the bench, found they were of opinion, that the defence made by the prisoner's counsel did rather aggravate

than extenuate his crime ; that the motions and intimations of the hat were a token of superiority in conversation, and therefore not to be used by the criminal to a man of the prosecutor's quality, who was likewise vested with a double title to the wall at the time of their conversation, both as it was the upper hand, and as it was a shelter from the weather. The evidence being very full and clear, the jury, without going out of court, declared their opinion unanimously by the mouth of their foreman, that the prosecutor was bound in honor to make the sun shine through the criminal, or, as they afterwards explained themselves, to whip him through the lungs.

The censor, knitting his brows into a frown, and looking very sternly upon the jury, after a little pause, gave them to know, that this court was erected for the finding out of penalties suitable to offences, and to restrain the outrages of private justice ; and that he expected they should moderate their verdict. The jury therefore retired, and, being willing to comply with the advices of the censor, after an hour's consultation, declared their opinion as follows :—

“That in consideration this was Peter Plumb's first offence, and that there did not appear any malice prepense in it, as also that he lived in good reputation among his neighbors, and that his taking the wall was only *se defendendo*, the prosecutor should let him escape with life, and content himself with the slitting of his nose, and the cutting off both his ears.” Mr. Bickerstaffe, smiling upon the court, told them, “That he thought the punishment, even under its present mitigation, too severe ; and that such penalties might be of ill consequence in a trading nation.” He therefore pronounced sentence against the criminal in the following manner: “That his hat, which was the instrument of offence, should be forfeited to the court ; that the criminal should go to the warehouse from whence he came, and thence, as occasion should require, proceed to the Exchange, or Garraway's Coffee-house, in what manner he pleased ; but that neither he, nor any of the family of the Plumbs, should hereafter appear in the streets of London out of their coaches, that so the foot-way might be left open and undisturbed for their betters.”

Dathan, a peddling Jew, and T. R——, a Welshman, were indicted by the keeper of an ale-house in Westminster, for breaking the peace, and two earthen mugs, in a dispute about the antiquity of their families, to the great detriment of the house,

and disturbance of the whole neighborhood. Dathan said for himself, that he was provoked to it by the Welshman, who pretended that the Welsh were an ancients people than the Jews; "Whereas," said he, "I can show by this genealogy in my hand, that I am the son of Mesheck, that was the son of Naboth, that was the son of Shalem, that was the son of——." The Welshman here interrupted him, and told him, "That he could produce Shennalogy, as well as himself; for that he was John ap Rice, ap Shenkin, ap Shones." He then turned himself to the censor, and told him in the same broken accent, and with much warmth, "That the Jew would needs uphold that King Cadwaladar was younger than Issachar." Mr. Bickerstaffe seemed very much inclined to give sentence against Dathan, as being a Jew; but finding reasons, by some expressions which the Welshman let fall in asserting the antiquity of his family, to suspect the said Welshman was a Præ Adamite, he suffered the jury to go out without any previous admonition. After some time they returned, and gave their verdict, that it appearing the persons at the bar did neither of them wear a sword, and that consequently they had no right to quarrel upon a point of honor; to prevent such frivolous appeals for the future, they should both of them be tossed in the same blanket, and there adjust the superiority as they could agree it between themselves. The censor confirmed the verdict.

Richard Newman was indicted by Major Punto, for having used the words, "Perhaps it may be so," in a dispute with the said Major. The Major urged, that the word, Perhaps, was questioning his veracity, and that it was an indirect manner of giving him the lie. Richard Newman had nothing more to say for himself, than that he intended no such thing, and threw himself upon the mercy of the court. The jury brought in their verdict special.

Mr. Bickerstaffe stood up, and, after having cast his eyes over the whole assembly, hemmed thrice. He then acquainted them, that he had laid down a rule to himself, which he was resolved never to depart from, and which, as he conceived, would very much conduce to the shortening the business of the court; "I mean," says he, "never to allow of the lie being given by construction, implication, or induction, but by the sole use of the word itself." He then proceeded to show the great mischiefs that had arisen to the English nation from that pernicious monosyllable; that it had bred the most fatal quarrels between the

dearest friends ; that it had frequently thinned the guards, and made great havoc in the army ; that it had sometimes weakened the city trained bands ; and, in a word, had destroyed many of the bravest men in the isle of Great Britain. For the prevention of which evils for the future, he instructed the jury to present the word itself as a nuisance in the English tongue ; and further promised them, that he would, upon such their presentment, publish an edict of the court, for the entire banishment and exclusion of it out of the discourses and conversation of all civil societies.

This is a true copy,

CHARLES LILLIE.

Monday next is set apart for the trial of several female causes.

*N. B.* The case of the hassock will come on between the hours of nine and ten.

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*No. 265. Tuesday, December 19, 1710.*

*Arbiter hic igitur factus de lite jocosâ. — Ovid. Met.*

Continuation of the Journal of the Court of Honor, &c.

As soon as the court was sat, the ladies of the bench presented, according to order, a table of all the laws now in force, relating to visits, and visiting-days, methodically digested under their respective heads, which the censor ordered to be laid upon the table, and afterwards proceeded upon the business of the day.

Henry Heedless, Esq. was indicted by Colonel Touchy, of Her Majesty's trained bands, upon an action of assault and battery : for that he, the said Mr. Heedless, having espied a feather upon the shoulder of the said Colonel, struck it off gently with the end of a walking-staff, value three-pence. It appeared that the prosecutor did not think himself injured till a few days after the aforesaid blow was given him ; but that, having ruminated with himself for several days, and conferred upon it with other officers of the militia, he concluded, that he had in effect been cudgelled by Mr. Heedless, and that he ought to resent it accordingly. The counsel for the prosecutor alleged, that the shoulder was the tenderest part in a man of honor ; that it had a natural antipathy to a stick ; and that every touch of it, with anything made in the fashion of a cane, was to be interpreted as a wound in that part, and a violation of the person's honor who received

it. Mr. Heedless replied, that what he had done was out of kindness to the prosecutor, as not thinking it proper for him to appear at the head of the trained bands with a feather upon his shoulder; and further added, that the stick he had made use of on this occasion was so very small, that the prosecutor could not have felt it, had he broken it on his shoulders. The censor hereupon directed the jury to examine into the nature of the staff, for that a great deal would depend upon that particular. Upon which he explained to them the different degrees of offence that might be given by the touch of a crab-tree from that of a cane, and by the touch of a cane from that of a plain hazel stick. The jury, after a short perusal of the staff, declared their opinion, by the mouth of their foreman, that the substance of the staff was British oak. The censor then observing that there was some dust on the skirts of the criminal's coat, ordered the prosecutor to beat it off with the aforesaid oaken plant; "And thus," said the censor, "I shall decide this by the law of retaliation: if Mr. Heedless did the Colonel a good office, the Colonel will by this means return it in kind; and if Mr. Heedless should at any time boast that he had cudgelled the Colonel, or laid his staff over his shoulders, the Colonel might boast, in his turn, that he has brushed Mr. Heedless's jacket, or (to use the phrase of an ingenious author) that he had rubbed him down with an oaken towel."

Benjamin Busy, of London, merchant, was indicted by Jasper Tattle, Esq., for having pulled out his watch, and looked upon it thrice, while the said Esquire Tattle was giving him an account of the funeral of the said Esquire Tattle's first wife. The prisoner alleged in his defence, that he was going to buy stocks at the time when he met the prosecutor; and that, during the story of the prosecutor, the said stocks rose above two *per cent.* to the great detriment of the prisoner. The prisoner further brought several witnesses, that the said Jasper Tattle, Esq. was a most notorious story-teller; that before he met the prisoner, he had hindered one of the prisoner's acquaintance from the pursuit of his lawful business, with the account of his second marriage; and that he had detained another by the button of his coat that very morning, till he had heard several witty sayings and contrivances of the prosecutor's eldest son, who was a boy of about five years of age. Upon the whole matter, Mr. Bickerstaffe dismissed the accusation as frivolous, and sentenced the prosecutor to pay damages to the prisoner for what the prisoner had lost by

giving him so long and patient a hearing. He further reprimanded the prosecutor very severely, and told him, "That if he proceeded in his usual manner to interrupt the business of mankind, he would set a fine upon him for every quarter of an hour's impertinence, and regulate the said fine according as the time of the person so injured should appear to be more or less precious."

Sir Paul Swash, Kt., was indicted by Peter Double, Gent., for not returning the bow which he received of the said Peter Double, on Wednesday, the 6th instant, at the Playhouse, in the Hay-Market. The prisoner denied the receipt of any such bow, and alleged in his defence, that the prosecutor would oftentimes look full in his face, but that when he bowed to the said prosecutor, he would take no notice of it, or bow to somebody else that sat quite on the other side of him. He likewise alleged, that several ladies had complained of the prosecutor, who, after ogling them a quarter of an hour, upon their making a courtesy to him, would not return the civility of a bow. The censor observing several glances of the prosecutor's eye, and perceiving that, when he talked to the court, he looked upon the jury, found reason to suspect that there was a wrong cast in his sight, which, upon examination, proved true. The censor therefore ordered the prisoner (that he might not produce any more confusions in public assemblies) never to bow to anybody whom he did not at the same time call to by his name.

Oliver Bluff and Benjamin Browbeat were indicted for going to fight a duel since the erection of the Court of Honor. It appeared that they were both taken up in the street, as they passed by the court, in their way to the fields behind Montague House. The criminals would answer nothing for themselves, but that they were going to execute a challenge which had been made above a week before the Court of Honor was erected. The censor finding some reasons to suspect (by the sturdiness of their behavior) that they were not so very brave as they would have the court believe them, ordered them both to be searched by the grand jury, who found a breastplate upon the one, and two quires of paper upon the other. The breastplate was immediately ordered to be hung upon a peg over Mr. Bickerstaffe's tribunal, and the paper to be laid upon the table for the use of his clerk. He then ordered the criminals to button up their bosoms, and, if they pleased, proceed to their duel. Upon which they both went very quietly out of the court, and retired to their

respective lodgings. The court then adjourned till after the holidays.

*Copia Vera.*

CHARLES LILLIE.

## No. VII.

### EXTRACTS FROM THE SPECTATOR.

I HAVE elsewhere (*ante*, p. 163) spoken in brief terms of the grief of Mr. Thornhill after he slew Sir Cholmeley Dering, in 1711. Addison, in No. 84 of the *Spectator*, relates the sorrows of the unhappy survivor, under the assumed name of Spinamont; and in No. 97 of the same work we have a continuation of his views on the subject of duelling generally. Both papers are inserted entire, as containing remarks as true now as in the early part of the last century, whether as relates to individuals borne down and faint under the "inconsolable calamity" of success with the pistol, or to "the force of a tyrant custom" under which "the duellist kills his friend whom he loves."

#### No. 84. *Wednesday, June 6, 1711.*

Quis talia fando  
Myrmidonum, Dolopumve, aut duri miles Ulyssæi,  
Temperet a lachrymis? *Virg. Æn. ii. v. 6.*

Who can such woes relate without a tear,  
As stern Ulysses must have wept to hear?

Looking over the old manuscript wherein the private actions of Pharamond are set down by way of table-book, I found many things which gave me great delight, and as human life turns upon the same principles and passions in all ages, I thought it very proper to take minutes of what passed in that age for the instruction of this. The antiquary who lent me these papers gave me a character of Eucrate, the favorite of Pharamond, extracted from an author who lived in that court. The account he gives both of the prince and this his faithful friend will not be improper to insert here, because I may have occasion to mention many of their conversations, into which these memorials of them may give light.

"Pharamond, when he had a mind to retire for an hour or two from the hurry of business and fatigue of ceremony, made a signal to Eucrate, by putting his hand to his face, placing his arm negligently on a window, or some such action as appeared

indifferent to all the rest of the company. Upon such notice, unobserved by others, (for their entire intimacy was always a secret,) Eucrate repaired to his own apartment to receive the king. There was a secret access to this part of the court, at which Eucrate used to admit many whose mean appearance in the eyes of the ordinary waiters and door-keepers made them be repulsed from other parts of the palace. Such as these were let in here by order of Eucrate, and had audiences of Pharamond. This entrance Pharamond called 'The Gate of the Unhappy,' and the tears of the afflicted who came before him, he would say, were bribes received by Eucrate; for Eucrate had the most compassionate spirit of all men living, except his generous master, who was always kindled at the least affliction which was communicated to him. In regard for the miserable, Eucrate took particular care that the common forms of distress, and the idle pretenders to sorrow, about courts, who wanted only supplies to luxury, should never obtain favor by his means; but the distresses which arise from the many inexplicable occurrences that happen among men, the unaccountable alienation of parents from their children, cruelty of husbands to wives, poverty occasioned from shipwreck or fire, the falling out of friends, or such other terrible disasters to which the life of man is exposed; in cases of this nature, Eucrate was the patron; and enjoyed this part of the royal favor so much without being envied, that it was never inquired into by whose means what no one else cared for doing was brought about.

"One evening when Pharamond came into the apartment of Eucrate, he found him extremely dejected; upon which he asked, (with a smile that was natural to him,) 'What, is there any one too miserable to be relieved by Pharamond, that Eucrate is melancholy?' 'I fear there is,' answered the favorite, 'a person without, of a good air, well dressed, and though a man in the strength of his life, seems to faint under some inconsolable calamity. All his features seem suffused with agony of mind; but I can observe in him that it is more inclined to break away in tears than rage. I asked him what he would have. He said he would speak to Pharamond. I desired his business. He could hardly say to me, "Eucrate, carry me to the king; my story is not to be told twice,—I fear I shall not be able to speak it at all." Pharamond commanded Eucrate to let him enter; he did so, and the gentleman approached the king with an air which spoke him under the greatest concern in what manner to demean



himself. The king, who had a quick discerning, relieved him from the oppression he was under, and, with the most beautiful complacency, said to him, "Sir, do not add to that load of sorrow I see in your countenance the awe of my presence. Think you are speaking to your friend. If the circumstances of your distress will admit of it, you shall find me so." To whom the stranger: "O excellent Pharamond, name not a friend to the unfortunate Spinamont. I had one, but he is dead by my own hand; but, O Pharamond, though it was by the hand of Spinamont, it was by the guilt of Pharamond. I come not, O excellent prince, to implore your pardon; I come to relate my sorrow, a sorrow too great for human life to support; from henceforth shall all occurrences appear dreams, or short intervals of amusement, for this one affliction which has seized my very being. Pardon me, O Pharamond, if my griefs give me leave, that I lay before you in the anguish of a wounded mind, that you, good as you are, are guilty of the generous blood spilt this day by this unhappy hand. O that it had perished before that instant!" Here the stranger paused, and, recollecting his mind, after some little meditation, he went on in a calmer tone and gesture as follows:—

"There is an authority due to distress, and as none of human race is above the reach of sorrow, none should be above the hearing the voice of it; I am sure Pharamond is not. Know, then, that I have this morning unfortunately killed in a duel the man whom of all men living I most loved. I command myself too much in your royal presence, to say, Pharamond gave me my friend! Pharamond has taken him from me! I will not say, Shall the merciful Pharamond destroy his own subjects? Will the father of his country murder his people? But the merciful Pharamond does destroy his subjects, the father of his country does murder his people. Fortune is so much the pursuit of mankind, that all glory and honor is in the power of a prince, because he has the distribution of their fortunes. It is therefore the inadvertency, negligence, or guilt of princes to let anything grow into custom which is against their laws. A court can make fashion and duty walk together; it can never, without the guilt of a court, happen that it shall not be unfashionable to do what is unlawful. But, alas! in the dominions of Pharamond, by the force of a tyrant custom, which is misnamed a point of honor, the duellist kills his friend whom he loves; and the judge condemns the duellist while he approves his behavior. Shame is

the greatest of all evils ; what avail laws, when death only attends the breach of them, and shame attends obedience to them ? As for me, O Pharamond, were it possible to describe the nameless kinds of compunctions and tenderness I feel, when I reflect upon the little accidents in our former familiarity, my mind swells into sorrow which cannot be resisted enough to be silent in the presence of Pharamond." With that he fell into a flood of tears, and wept aloud. " Why should not Pharamond hear the anguish he only can relieve others from in time to come ? Let him hear from me, what they feel who have given death by the false mercy of his administration, and form to himself the vengeance called for by those who have perished by his negligence." R.

No. 97. *Thursday, June 21, 1711.*

Projecere animas ——— *Virg. Æn. vi. 436.*  
They prodigally threw their lives away.

Among the loose papers which I have frequently spoken of heretofore, I find a conversation between Pharamond and Eucrate upon the subject of duels, and the copy of an edict issued in consequence of that discourse.

Eucrate argued, that nothing but the most severe and vindictive punishment, such as placing the bodies of the offenders in chains, and putting them to death by the most exquisite torments, would be sufficient to extirpate a crime which had so long prevailed, and was so firmly fixed in the opinion of the world as great and laudable. The king answered, " that indeed instances of ignominy were necessary in the cure of this evil ; but, considering that it prevailed only among such as had a nicety in their sense of honor, and that it often happened that a duel was fought to save appearances to the world, when both parties were in their hearts in amity and reconciliation to each other, it was evident that turning the mode another way would effectually put a stop to what had being only as a mode ; that to such persons poverty and shame were torments sufficient ; that he would not go further in punishing in others crimes which he was satisfied he himself was most guilty of, in that he might have prevented them by speaking his displeasure sooner." Besides which the king said, " he was in general averse to tortures, which was putting human nature itself, rather than the criminal, to disgrace ; and that he would be sure not to use this means where the crime was but an ill effect arising from a laudable cause, the fear of

shame." The king, at the same time, spoke with much grace upon the subject of mercy; and repented of many acts of that kind which had a magnificent aspect in the doing, but dreadful consequences in the example. "Mercy to particulars," he observed, "was cruelty in the general. That though a prince could not revive a dead man by taking the life of him who killed him, neither could he make reparation to the next that should die by the evil example: or answer to himself for the partiality in not pardoning the next as well as the former offender."—"As for me," says Pharamond, "I have conquered France, and yet have given laws to my people. The laws are my methods of life; they are not a diminution, but a direction to my power. I am still absolute to distinguish the innocent and the virtuous, to give honors to the brave and generous; I am absolute in my good-will; none can oppose my bounty, or prescribe rules for my favor. While I can, as I please, reward the good, I am under no pain that I cannot pardon the wicked: for which reason," continued Pharamond, "I will effectually put a stop to this evil, by exposing no more the tenderness of my nature to the importunity of having the same respect to those who are miserable by their fault, and those who are so by their misfortune. Flatterers," concluded the king, smiling, "repeat to us princes, that we are Heaven's vicegerents; let us be so, and let the only thing out of our power be to do ill."

Soon after the evening wherein Pharamond and Eucrate had this conversation, the following edict was published against duels:—

*Pharamond's Edict against Duels.*

"PHARAMOND, King of the Gauls, to all his loving subjects sendeth greeting.

"Whereas it has come to our royal notice and observation, that in contempt of all laws, divine and human, it is of late become a custom among the nobility and gentry of this our kingdom, upon slight and trivial, as well as great and urgent provocations, to invite each other into the field, there by their own hands, and of their own authority, to decide their controversies by combat; we have thought fit to take the said custom into our royal consideration, and find, upon inquiry into the usual causes whereon such fatal decisions have arisen, that by this wicked custom, maugre all the precepts of our holy religion, and the rules of right reason, the greatest act of the human mind, forgiveness of injuries,

is become vile and shameful ; that the rules of good society and virtuous conversation are hereby inverted ; that the loose, the vain, and the impudent insult the careful, the discreet, and the modest ; that all virtue is suppressed, and all vice supported, in the one act of being capable to dare to the death. We have also further, with great sorrow of mind, observed that this dreadful action, by long impunity (our royal attention being employed upon matters of more general concern) is become honorable, and the refusal to engage in it ignominious. In these our royal cares and inquiries, we are yet further made to understand, that the persons of most eminent worth and most hopeful abilities, accompanied with the strongest passion for true glory, are such as are most liable to be involved in the dangers arising from this license. Now taking the said premises into our serious consideration, and well weighing that all such emergencies (wherein the mind is incapable of commanding itself, and where the injury is too sudden or too exquisite to be borne) are particularly provided for by laws heretofore enacted ; and that the qualities of less injuries, like those of ingratitude, are too nice and delicate to come under general rules ; we do resolve to blot this fashion, or wantonness of anger, out of the minds of our subjects, by our royal resolutions declared in this edict as follow : —

“ No person who either sends or accepts a challenge, or the posterity of either, though no death ensues thereupon, shall be, after the publication of this our edict, capable of bearing office in these our dominions.

“ The person who shall prove the sending or receiving a challenge, shall receive to his own use and property the whole personal estate of both parties ; and their real estate shall be immediately vested in the next heir of the offenders, in as ample manner as if the said offenders were actually deceased.

“ In cases where the laws (which we have already granted to our subjects) admit of an appeal for blood, when the criminal is condemned by the said appeal, he shall not only suffer death, but his whole estate, real, mixed, and personal, shall from the hour of his death be vested in the next heir of the person whose blood he spilt.

“ That it shall not hereafter be in our royal power, or that of our successors, to pardon the said offences, or restore the offenders in their estates, honors, or blood, for ever.

“ Given at our court at Blois, the 8th of February, 420, in the second year of our reign.”

T.

## No. VIII.

## FROM THE GUARDIAN.

*"Blois, May 15, N. S.*

"SIR,—Because I am at present out of the road of news, I shall send you a story that was lately given me by a gentleman of this country, who is descended from one of the persons concerned in the relation, and very inquisitive to know if there be any of the family now in England.

"I shall only premise to it, that this story is preserved with great care among the writings of this gentleman's family, and that it has been given to two or three of our English nobility, when they were in these parts, who could not return any satisfactory answer to the gentleman, whether there be any of that family now remaining in Great Britain.

"In the reign of King John there lived a nobleman called John de Sigonia, lord of that place in Tourraine. His brothers were Philip and Briant. Briant, when very young, was made one of the French king's pages, and served him in that quality when he was taken prisoner by the English. The king of England chanced to see the youth, and, being much pleased with his person and behavior, begged him of the king his prisoner. It happened, some years after this, that John, the other brother, who in the course of the war had raised himself to a considerable post in the French army, was taken prisoner by Briant, who at that time was an officer in the king of England's guards. Briant knew nothing of his brother, and, being naturally of a haughty temper, treated him very insolently, and more like a criminal than a prisoner of war. This John resented so highly, that he challenged him to a single combat. The challenge was accepted, and time and place assigned them by the king's appointment. Both appeared on the day prefixed, and entered the lists completely armed, amidst a great multitude of spectators. Their first encounters were very furious, and the success equal on both sides; till, after some toil and bloodshed, they were parted by their seconds to fetch breath, and prepare themselves afresh for the combat. Briant, in the mean time, had cast his eye upon his brother's escutcheon, which he saw agree in all points with his own. I need not tell you after this with what joy and surprise the story ends. King Edward, who knew all the particulars of

it, as a mark of his esteem, gave to each of them, by the king of France's consent, the following coat of arms, which I will send you in the original language, not being herald enough to blazon it in English."

*"Le Roi d'Angleterre, par permission du Roi de France, pour perpetuelle memoire de leurs grands faits d'armes et fidelite envers leurs rois, leur donna par ampliation a leurs armes en une croix d'argent cantonnee de quatre coquilles d'or en champ de sable, qu'ils avoient auparavant, une endenteleuse faite en facons de croix de gueulle inserée au dedans de la ditte croix d'argent et par le milieu d'icelle qui est participation des deux croix que portent les dits rois en la guerre."*

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No. IX.

RIDICULOUS QUARRELS.

THE Lady Honoria and her daughter Flavia, with their lovers, Dick Crastin and Tom Tulip, are not creatures of the imagination. They exist in real life, in every age of the world. The Dicks and Toms of our day and country are not often the lovers of a parent and her child, and do not often quarrel for the precise causes related in the *Spectator*; but they do fall out, and the Dicks do send challenges, on grounds quite as ridiculous as did those of England in the time of Queen Anne. Indeed, several stories not wholly unlike that told of the lovers of the ladies who, in the year 1711, lived "within the liberties of the city of Westminster," would have appeared in the appropriate places in this work, but for reasons which are obvious without explanation. It is sufficient for my purpose to employ the polished pen of Addison to illustrate a class of gallants who conduct themselves in a manner to excite the mirth of neighborhoods.

Thursday, June 14, 1711.

In furias ignemque ruunt: amor omnibus idem.

*Virg. Georg. iii. 244.*

They rush into the flame;

For love is lord of all, and is in all the same. — *Dryden.*

Though the subject I am now going upon would be much more properly the foundation of a comedy, I cannot forbear inserting the circumstance which pleased me in the account a young lady gave me of the loves of a family in town, which shall be

nameless ; or rather, for the better sound and elevation of the history, instead of Mr. and Mrs. Such-a-one, I shall call them by feigned names. Without further preface, you are to know, that within the liberties of the city of Westminster lives the Lady Honoria, a widow about the age of forty, of a healthy constitution, gay temper, and elegant person. She dresses a little too much like a girl, affects a childish fondness in the tone of her voice, sometimes a pretty sullenness in the leaning of her head, and now and then a downcast of her eyes on her fan. Neither her imagination nor her health would ever give her to know that she is turned of twenty ; but that in the midst of these pretty softnesses, and airs of delicacy and attraction, she has a tall daughter within a fortnight of fifteen, who impertinently comes into the room, and towers so much towards woman, that her mother is always checked by her presence, and every charm of Honoria droops at the entrance of Flavia. The agreeable Flavia would be what she is not, as well as her mother Honoria ; but all their beholders are more partial to an affectation of what a person is growing up to, than of what has been already enjoyed, and is gone for ever. It is therefore allowed to Flavia to look forward, but not to Honoria to look back. Flavia is no way dependent on her mother with relation to her fortune, for which reason they live almost upon an equality in conversation ; and as Honoria has given Flavia to understand that it is ill-bred to be always calling mother, Flavia is as well pleased never to be called child. It happens by this means, that these ladies are generally rivals in all places where they appear ; and the words mother and daughter never pass between them but out of spite. Flavia one night at a play, observing Honoria draw the eyes of several in the pit, called to a lady who sat by her, and bid her ask her mother to lend her her snuff-box for a moment. Another time, when a lover of Honoria was on his knees, beseeching the favor to kiss her hand, Flavia rushing into the room, kneeled down by him and asked her blessing. Several of these contradictory acts of duty have raised between them such a coldness, that they generally converse when they are in mixed company by way of talking at one another, and not to one another. Honoria is ever complaining of a certain sufficiency in the young women of this age, who assume to themselves an authority of carrying all things before them, as if they were possessors of the esteem of mankind, and all who were but a year before them in the world were neglected or deceased. Flavia, upon such provocation, is sure to

observe, that there are people who can resign nothing, and know not how to give up what they know they cannot hold ; that there are those who will not allow youth their follies, not because they are themselves past them, but because they love to continue in them. These beauties rival each other on all occasions ; not that they have always had the same lovers, but each has kept up a vanity to show the other the charms of her lover. Dick Crastin and Tom Tulip, among many others, have of late been pretenders in this family ; Dick to Honoria, Tom to Flavia. Dick is the only surviving beau of the last age, and Tom almost the only one that keeps up that order of men in this.

I wish I could repeat the little circumstances of a conversation of the four lovers, with the spirit in which the young lady I had my account from represented it, at a visit where I had the honor to be present ; but it seems Dick Crastin, the admirer of Honoria, and Tom Tulip, the pretender to Flavia, were purposely admitted together by the ladies, that each might show the other that her lover had the superiority in the accomplishments of that sort of creature whom the sillier part of women call a fine gentleman. As this age has a much more gross taste in courtship, as well as in everything else, than the last had, these gentlemen are instances of it in their different manner of application. Tulip is ever making allusions to the vigor of his person, the sinewy force of his make ; while Crastin professes a wary observation of the turns of his mistress's mind. Tulip gives himself the air of a resistless ravisher, Crastin practises that of a skilful lover. Poetry is the inseparable property of every man in love ; and as men of wit write verses on those occasions, the rest of the world repeat the verses of others. These servants of the ladies were used to imitate their manner of conversation, and allude to one another, rather than interchange discourse in what they said when they met. Tulip the other day seized his mistress's hand, and repeated out of Ovid's *Art of Love* :

"T is I can in soft battles pass the night,  
Yet rise next morning vigorous for the fight,  
Fresh as the day, and active as the light."

Upon hearing this, Crastin, with an air of deference, played with Honoria's fan, and repeated :

"Sedley has that prevailing gentle art,  
That can with a resistless charm impart  
The loosest wishes to the chastest heart:  
Raise such a conflict, kindle such a fire,



Between declining virtue and desire,  
Till the poor vanquished maid dissolves away,  
In dreams all night, in sighs and tears all day." \*

When Crastin had uttered these verses with a tenderness which at once spoke passion and respect, Honoria cast a triumphant glance at Flavia, as exulting in the elegance of Crastin's courtship, and upbraiding her with the homeliness of Tulip's. Tulip understood the reproach, and in return began to applaud the wisdom of old amorous gentlemen, who turned their mistress's imagination as far as possible from what they had long themselves forgot, and ended his discourse with a sly commendation of the doctrine of Platonic love; at the same time he ran over, with a laughing eye, Crastin's thin legs, meagre looks, and spare body. The old gentleman immediately left the room with some disorder, and the conversation fell upon untimely passion, after-love, and unseasonable youth. Tulip sung, danced, moved before the glass, led his mistress half a minuet, hummed

"Celia the fair, in the bloom of fifteen!"

when there came a servant with a letter to him, which was as follows:—

"SIR,—I understand very well what you meant by your mention of Platonic love. I shall be glad to meet you immediately in Hyde Park, or behind Montague House, or attend you to Barn Elms, or any other fashionable place that's fit for a gentleman to die in, that you shall appoint for, sir,

"Your most humble servant,

"RICHARD CRASTIN."

Tulip's color changed at the reading of this epistle; for which reason his mistress snatched it to read the contents. While she was doing so, Tulip went away; and the ladies, now agreeing in a common calamity, bewailed together the danger of their lovers. They immediately undressed to go out, and took hackneys to prevent mischief; but, after alarming all parts of the town, Crastin was found by his widow in his pumps at Hyde Park, which appointment Tulip never kept, but made his escape into the country. Flavia tears her hair for his inglorious safety, curses and despises her charmer, and is fallen into love with Crastin: which is the first part of the history of the rival mother. R.

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\* Lord Rochester's Imitation of the First Satire of Horace.

## No. X.

## DEATH OF HON. JONATHAN CILLEY.

*Extracts from the Debate in the House of Representatives, on  
Wednesday, February 28, 1838.*

HON. JOHN FAIRFIELD, of Maine, as soon as the Journal was read, rose, and asked leave to offer the following resolution :—

“ *Resolved*, That a committee consisting of seven members be appointed to investigate the causes which led to the death of the Hon. Jonathan Cilley, late a member of this House, and the circumstances connected therewith, and report thereon to the House.

“ *Resolved*, That said committee have power to send for persons and papers, and have leave to sit during the sessions of the House.”

The rules were suspended, when Mr. Fairfield said : “ Mr. President, entertaining the views and feelings which I do entertain in regard to the awful tragedy in which certain members of this House lately participated, I could not refrain from offering the resolutions which have just been read. Sir, if I had held back, and refused to move in this affair, ‘the voice of my brother’s blood would cry to me from the ground.’ My late colleague and friend has been shot down and deprived of life in a manner, and under circumstances, that seem to me most imperiously to demand an investigation. It is due to the surviving family and friends of the deceased, that we should take cognizance of this affair ; it is due to ourselves, to our country, to humanity, and to God ; and I trust that no member will shrink from the high and solemn responsibility thus cast upon him. But, aside from the peculiar circumstances of this case, and our peculiar duties resulting from them, it appears to me that an opportunity is presented, which every good man should be quick to improve, for assailing the barbarous and inhuman practice of duelling, — a practice which does violence to the laws of God, to the best feelings of our own nature, and to the dictates of reason, — a practice which is entirely behind and unworthy of the age of civilization in which we live, and which should unite the earnest and faithful efforts of every friend to his species for its extermination.”

He was followed by the Hon. William Cost Johnson, of Mary-

land, who remarked that he had voted against the suspension of the rules to introduce these resolutions, because, on hearing them read, he came to the conclusion that no good could result from them. No one could feel greater grief than himself at the calamity which befell the friends of the gentleman whose death we all now mourned, but he had voted against bringing in these resolutions because he did not know what power Congress had to suppress duelling. It was an evil in the state of society which made it necessary in some cases for gentlemen to resort to this mode of settling personal disputes, and he much regretted that it was so ; but he did not apprehend that this inquiry was going to correct the evil, or that any salutary good could be effected by this inquiry. As to the particulars in this case, if it was desired to obtain them, the morning papers gave all the facts and circumstances connected with it ; and if it was intended to enact an anti-duelling law, he would ask where, under the Constitution, you obtained the right to enact it. That was a matter which belonged to the States alone, and many of them have passed laws on this subject ; and, in his opinion, it would be a usurpation of power for Congress to undertake to act on this subject. He should vote against this resolution, because he considered that it would be a reflection upon all the parties connected with the unfortunate occurrence alluded to in the resolution. He looked upon it as reflecting upon the wisdom and the justice of the parties engaged in it. He would ask any gentleman, if either of these parties had been guilty of any moral delinquency, or of any act which would bring him so far within the rules and laws of the House as to justify his expulsion ? *If any gentleman would rise in his place, and state that either of them had violated the rules of honor, or done any act which would make him an unfit associate for the members of this House, he would go as far as any one to have this inquiry instituted ; he would vote, not only for a committee of inquiry, but he would vote to expel such individual from the House ; and he would almost go to expel him from off the face of the earth. But no such thing had been intimated against any member of the House, and what right have we to go into this matter ? What right have we to inquire into the private relations of gentlemen ? What right have we to institute ourselves into a board of honor to inquire into a matter of this kind ? \** He would tell gentlemen that it would be an

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\* The italics are the author's.

unpleasant duty to serve on a committee of this kind, and that it would require more than ordinary nerve to serve on it. He would tell them that, if this committee was raised, it would be the occasion of much strife and difficulty. He should not like to serve on such a committee unless he should prepare himself at once for such encounters. He considered it entirely improper that the House should agitate this question at the present time.

The Hon. Amasa J. Parker, of New York, said he regretted that he found himself compelled to differ in opinion from his friend from Maryland (Mr. Johnson); that he had heard from him no good reason expressed against the adoption of the resolutions. It was said that Congress had no power to legislate on this subject, and that that power was reserved to the States. Surely Congress has the power to act in reference to the District of Columbia, and it could not be denied that the House of Representatives had jurisdiction over its own members. His friend had said, that, if any member would state on this floor that the unfortunate transaction had not been conducted according to the rules of the "code of honor," he would vote for this resolution. Mr. P. said he made no assertion of that kind. He did not profess to be skilled in the nice technicality of those rules, as they were understood by some gentlemen here; that with his constituents the rules of honor were the rules of law, religion, and morality; but he would say that the transaction referred to was a violation of the laws of God and man, and called imperiously upon this House to guard against the recurrence of such heart-rending scenes; and every consideration of duty to the public and to ourselves required prompt and decisive action. His friend had said that the reference of this subject to a committee would probably lead to further collision, and a repetition of personal conflict. Mr. P. said he could not believe it. He had yet to learn that a member of this House could not on this floor, or in committee, fearlessly express his opinions, and discharge his duty, without fear of a personal attack. He had no fears on that subject for himself.

He admitted that, if the committee were to be confined to the question whether "the code of honor" had been departed from, personal controversy might grow out of it. Gentlemen might well differ in discussing unwritten rules of such cobweb fineness, and about which, sir, honorable gentlemen might well differ in opinion. Sir, that committee would look beyond such limits;

they would have in view the honor and character of the nation and of this House, and the general welfare of the people.

It was said public opinion sanctioned the practice of duelling. He thought otherwise ; and he was sure it would not be countenanced in those sections of the country with which he was familiar. But if public sentiment tolerated such a practice in any part of the country, it was the more important to adopt such measures on this occasion as would serve to correct it. He certainly was not disposed to act too hastily. It was proper to refer the matter to a committee. They would act deliberately, and he hoped would recommend some measures that would remedy the evil. He should therefore vote for the resolutions.

Mr. Dawson said that no gentlemen regretted more than himself the unfortunate occurrence which had taken place, but he considered that, when we were about to involve the feelings of all the gentlemen connected with the affair, we ought to pause before we acted. He would inquire of gentlemen what the result of this inquiry would be, and what benefit could accrue to the community from it. He admitted that Congress had a right to pass a law to prohibit duelling in the District of Columbia, and for such a measure, when brought forward, he would vote ; but he would ask gentlemen what good was expected to result from this inquiry. This matter had no relation to the business of the public, so that, if it was gone into, it must be looked upon as an inquiry into the private doings of the members of the House out of these walls, and apart from their legislative character. In his opinion, this inquiry would only add to the excitement, and bring the state of the public mind to such lengths, as might be regretted by all of us.

If gentlemen desired by this inquiry to get arguments in favor of a law to prohibit duelling, he thought there was no necessity for it, because, in his opinion, no argument was needed to support such a measure. In the name of morality and of religion, he would say, let such a law be passed ; but he would regret to see an inquiry of this kind instituted. Pass such a law, and do all that can be done in future to prevent it, but do not institute an inquiry into the present case for the purpose of gratifying the public mind, or for any other purpose. *He referred to the difficulty of making an inquiry into a matter which had been conducted solely upon the principles of honor,\** which were only

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\* The italics are the author's.

recognized by a portion of our people, and trusted that the House would be satisfied by adopting a remedy for the future, without going into an examination of the past. To vote for such a proposition as that would be as far as he could go, and he hoped the House would go no further.

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## No. XI.

## DUELLING IN THE DISTRICT OF COLUMBIA.

*Extracts from the Debate in the Senate of the United States, on the Passage of "The Bill to prohibit the giving or accepting a Challenge in the District of Columbia to fight a Duel, and for the Punishment thereof," in March and April, 1838.*

THE HON. THOMAS CLAYTON, of Delaware, on the 30th of March, expressed his objections to duelling in a very pointed manner, and his sincere desire to do all in his power to suppress it. He very much doubted, however, the efficacy of the bill before them. Such was the severity of some of its provisions, that it would be next to impossible to procure convictions under it. And there were other objections which he could not reconcile to his mind. One of the provisions sought to make the sending of a challenge felony, which was only a misdemeanor in the eye of the common law. Mr. Clayton argued the subject at considerable length. He thought the provisions of the bill were not calculated to subserve the purposes for which they were intended. While he admitted the practice of duelling to be both illegal and immoral, yet he said it was not of that class of crimes which should subject offenders to the cells of a penitentiary, and make them the associates of the vilest felons. There was nothing in the offence that was either base, mean, or sordid; neither were those likely to be engaged in it persons whom we would dare to send to a penitentiary, to be classed with thieves and vagabonds. The moral sense of the community would be shocked at such a measure, and such a law would be rendered a mere nullity, from the interference of the Executive prerogative. He deprecated duelling as much as any man could do, and was disposed to go all reasonable lengths to prevent it. On the whole, he believed some legal provision necessary. If he could get the modification he desired, he would vote for the bill as

amended by the Judiciary Committee, although he sincerely believed it would not have the good effect its friends designed.

Mr. Prentiss, of Vermont, replied at some length, contending that the practice of duelling was condemned by all laws, human and divine ; that it was regarded as a crime by every government in Christendom, was subversive of the great principles of the Christian religion, and ought not to be tolerated by any Christian people. Mr. P. looked as much to the moral power that this law would have, as to its penal enactments. He asked if any man of honor could allow himself to fight a duel after the passage of such a law ? The subject was, in his opinion, a momentous one. We were acting not for the present time, but the passage of this bill would have its due weight on all after generations. The people of this country expect, nay, demand of us, some enactment by which this odious and sinful practice may be discontinued and for ever prevented.

Mr. Linn, of Missouri, was of opinion that the Senator from Delaware had treated the subject with so much sound practical sense, that little else could be left to be said on the subject. What community (said Mr. L.) could be found that would pronounce a man either a murderer or a felon, who might have chanced to kill another in fair and equal combat ? No man, he was persuaded, that came to act on his responsibility as a juror, would be prepared to render such a verdict. Many of the States had passed severe penal enactments in relation to this matter, and yet where was the State where such laws had been carried into effect ? Other legislatures again had sought milder remedies, such as punishing duelling by disfranchising their citizens, rendering them for ever after incapable of holding offices of profit or trust, honor or emolument ; such laws, he maintained, had a more wholesome action than those severe, unjust, and cruel enactments, because the one was generally carried into effect, while the other was little better than a dead letter. To illustrate the effect of public opinion on this subject, Mr. L. instanced a case in his own State, where the people were as much adverse to fighting as those of any other in the Union, (though he was aware that a contrary opinion prevailed among many in relation to Missouri,) where a small man, for a supposed offence, was cruelly lashed by a large one, the result of which was a challenge on the part of the small one to fight, in which duel the large man was shot twice, the last wound mortal. The survivor was found guilty under the laws of Missouri, when a petition was

got up, signed almost unanimously by the people, and presented to the Legislature, which body remitted the penalties almost by acclamation ; and so Mr. L. said it would be in all like cases, — either the Legislature or Executive would step in to counteract the law. If such a bill could be introduced as would strike at the root of the evil, it would cheerfully have his support. He was aware that duelling was not defensible on principles of Christianity, neither was national warfare ; and yet how frequently had it been engaged in, and justly too, by Christian nations. All the Legislatures of the Union have concurred in denouncing the practice of duelling as evil in itself, and yet have we not seen them come in to stay the laws. From what little he had seen, it appeared to him that fighting was like marrying, the more barriers that were erected against it, the surer were they to come together.

Mr. Smith, of Connecticut, spoke long and vehemently in favor of the bill, maintaining that all enactments against crime had grown out of some past act of villany that shocked the moral sense of the community. The object of this law was not so much to prevent those fond of duelling from engaging in it, as to protect those coming from States where the people were not fond of murder or killing in any shape. For his own part he was not afraid of any man with pistol or sword ; but he advocated the bill to protect the representatives of New England from those gentlemanly assassins or banditti, who might seek to call them out for words spoken in debate, and shoot them in a *fair and gentlemanly manner*. Mr. S. alluded, in no measured terms, to the late transaction, in which a representative had lost his life ; and said, if the instigator of that murder had been in Connecticut, he would no more have escaped than if he had gone up and shot down his victim in the street. Mr. S. was for arresting this practice in its incipency, by striking at once at the root of the evil, and making all persons, however remotely concerned, punishable. He thought the man that advised to such a step was as bad as the principal, and would treat him accordingly. Mr. S. could not draw any distinction between a murder in a duel, and out of it ; and he maintained there was none, save that which grew out of the morbid imagination of gentlemen on such matters. Was not the effect the same to the bereaved wife, — the children, made orphans ? and was not the moral sense of the community alike shocked ? These were questions for the advocates of duelling to answer. He thought



the country bound to erect some barrier against this infamous system, or by and by the people, who send their representatives to Congress, would have to accompany them with a body-guard, armed with swords and pistols for their protection. If a man would, in contravention of the laws of God and man, seek to fight duels, he (Mr. S.) was clear for inflicting upon him that punishment which should be meted to the criminal of the worst dye.

Mr. Clayton spoke some time in favor of an amendment which he offered, to wit, subjecting persons engaged in a duel to imprisonment for a term not exceeding two years, and a fine not exceeding two thousand dollars, and to be made for ever after ineligible to any office within the gift of the government. Mr. C. dwelt on the efficacy of such laws in his own State, where duelling was once quite common, but had now entirely ceased. Even the shooting of pistols, which had been practised as an amusement, had, since the passage of the law, gone entirely out of fashion.

Mr. Grundy, of Tennessee, felt disposed to act in this matter without reference to any occurrences of recent date; he had found it best, in all subjects of legislation, not to allude to topics calculated to excite. In the year 1829, an act (which he had some agency in compiling), somewhat similar to this in its provisions, was passed by the Legislature of Tennessee, providing for the punishment of not less than three nor more than ten years' confinement. There was also some penalty inflicted upon the sending of a challenge, and he thought that law had acted beneficially, as duels were certainly less frequent in his State since its passage. Mr. G. thought, if this bill were passed, or something like it in its provisions, that it would have a powerful effect on public opinion, and certainly no man that voted for it could ever fight a duel afterwards. All the Senate could do was to provide such enactments as were deemed best calculated to put a stop to the practice, though he was aware that, after all their care, cases might arise where the laws would not be likely to bind. Duelling had no advocates in the abstract, and all united in condemning it, and yet there were times when it was persisted in notwithstanding. Mr. G. could not agree with Senators, that the difficulty of conviction in such case rested with the juries, as such persons were generally opposed to it; but he rather thought it owing to the difficulty of obtaining proof to convict. The seconds were in the eye of the law *particeps*

*criminis*, and either would not attend, or if they did, under the plea of not criminating themselves, would refuse to answer. He was not prepared to say that the amendment of the Senator from Delaware might not have the happiest effect, for the thought of being deprived of the power to hold office was a severer punishment, in the eyes of some people, even than ten years' confinement in the penitentiary.

The further consideration of the bill was postponed, and the Senate went into the consideration of executive business at four o'clock, and remained until near five ; and then adjourned.

Mr. Preston, of South Carolina, on the 5th of April, said he had no objection to the passage of a law against duelling, although he believed that the common law, if properly enforced, was abundantly sufficient. It might be that additional legislation was necessary to enforce it ; but if so, it was worthy the consideration of gentlemen who urged this measure, whether the insufficiency of the common law was not induced by a state of public opinion, (whether intelligent or not he would not stop to inquire,) which was averse to the stern execution of the law applicable to duelling. If this were so, the object which gentlemen had in view would not be attained by the introduction of other and sterner penalties. On the contrary, he (Mr. P.) thought they made the law more inefficient when they made it more severe, because it became more opposed to public sentiment.

The practice of duelling, Mr. P. said, originated in, and was sustained by, public opinion ; and so long as it was sustained, it would prevail, in despite of law, on that principle which had passed into a proverb, that when public opinion sets its face against the measure, no law would be requisite. Gentlemen who were advocating this measure seemed to think that laws against duelling had, in many instances, been successful in suppressing it. In that he thought they were mistaken, at least to the extent of the influence which they claimed for those laws. It might have happened, in a particular case, that public opinion, by some gross abuse of the practice, had been so raised against it, that the enactment of new laws had strengthened and consolidated the feeling of the community, so as to bring the institution of duelling into disrepute. Such was the case in Virginia ; but whether that State had succeeded in checking the passions which gave rise to challenges, or had merely forced them into some more violent forms of ebullition, remained yet to be

seen. Duelling had undoubtedly produced much folly and much misery, but at the same time it had mitigated the indulgence of revengeful passions, which, taking the milder and more deliberate course, evaporated entirely, or assumed a less atrocious form.

The day following, Mr. Linn, referring to the remarks of Mr. Hubbard, of New Hampshire, said if the gentleman would show him a case in any of the States where a man concerned in a duel had been pronounced a murderer, or sent to the penitentiary, then his remarks would apply. As he remarked the other day, he wanted to see a law passed that would produce some practical effects, not such a law that a jury could not be found to carry it into execution. He had seen the effects of such laws in his own State. There the punishment for fighting a duel, where death ensued, was death, and yet men fought duels as if no law existed at all. But they had now a law in his State which was more effectual for the prevention of duelling than any law that had ever been passed. In cases of assault, all abusive words and defamatory language went to the jury in mitigation of the offence —

Mr. Benton. — As a justification.

Mr. Linn. — Yes, sir, as a justification; and if that abusive member, the tongue, was permitted to have too free a license, the same license was permitted to the injured individual to redress his grievance. He thought, if the same law was applied to the Senate of the United States, there would be a little more decorum than he had sometimes witnessed. This law, of which he had spoken, had had a better effect in the prevention of duelling than any that had ever been passed, and he thought it would be better for the peace and harmony of society if such a law was more generally prevalent throughout the United States.

Mr. Hubbard thought their legislation should be governed by the wisdom and propriety of the measure, leaving the execution of the laws to those who had them in charge.

Mr. Sevier, of Arkansas, *the only Senator who voted against the bill*, on the same day, as officially reported, spoke in these terms: — Although he was no friend to duelling, yet he disliked this bill from one end of it to the other. He believed it was a bill wholly for the protection of members of Congress, who, not satisfied with the protection afforded them by the Constitution, of exemption from arrest and from being sued for words used in debate, wanted the additional protection of this

bill. A man is vilified and abused in one of the houses of Congress, and he, of course, will expect the offender to give him satisfaction in some way or other, and this bill says he shall not have it. What, then, will be the consequence? Why, something like the affair of Houston and Stansberry; the injured man will take the law into his own hands, chastise the traducer, and then he will be brought up to the bar of the House, from whence, after five or six weeks are unprofitably consumed in the examination, he will be dismissed with a reprimand. This bill was avowedly made to protect members of Congress, and to protect them from what? Why, to protect them in abusing their masters,—the people who sent them here. It amounted to this, and no more. Individuals coming to this city, or residing here, may go out and fight, and be killed too, and nothing is said of it; but let a member of Congress be killed in a duel, or be whipped in the streets, or kicked out of a boarding-house, and the business of the nation must be set aside to legislate on it. If the object was solely to suppress duelling, and not for the protection of the members, why not pass a law to prevent it in our other Territories as well as in the District of Columbia? Why not include Wisconsin and Florida, and our forts and arsenals? He thought this District was already sufficiently disfranchised, and he would not add any more to its disabilities. Members of Congress might talk of Tom, Dick, or Harry as they pleased, and could not be sued for slander; and now they would take away from the injured individual the only remedy left him. I am opposed, continued Mr. S., to passing laws for our own protection, because if you pass one, the same reasons will operate in passing another; and the next time Mr. Stansberry, or Mr. any-body-else, is whipped by Houston, every member of Congress must have a corporal's guard to protect him in passing from his boarding-house to the Capitol. Now he would ask if the people of the United States would be willing to be taxed for any such purpose, for it would take at least three thousand men to furnish a corporal's guard for each member, and they must therefore have an additional army, or leave the frontiers exposed. He was satisfied that more importance was attached to this subject than it deserved, and he believed, out of one thousand duels, nine out of every ten of them were fought for causes that could not be got over any other way. He knew that duels were frequently fought for trivial causes, but he was convinced that it was otherwise in a vast majority of cases. He held him-

self responsible for everything he said on that floor, and he would not give a vote to take away that responsibility. He did not, by this, mean to say that he would fight everybody or nobody ; that he would think of when the occasion required ; but this he did say, that he was not going to shield himself by his vote on this bill from the consequences that might be brought on him by his own language.

Mr. Niles, of Connecticut, in defending an amendment to the bill which he introduced, and in reply to Mr. Sevier, said that he could not agree with his friend from Arkansas, that this bill was for the protection of members of Congress only. It had a much higher object in view, — that of suppressing an odious and criminal practice, and of securing the perfect independence of the representatives of the people. His friend from Arkansas seemed to be ambitious of martyrdom, and wanted to be shot at. Now, he would have no objection to introducing an amendment to exempt his friend from the operation of the bill, but he was anxious that it should pass for the benefit of those who had no wish, like him, to run against the muzzle of a gun.

The bill was read the third time on the 9th of April. Mr. Clay was the last to address the Senate. His speech was brief and comprehensive. He said that he had taken no part in the discussion which had been going on in relation to this matter, not, however, from any indisposition on his part to do all that he could to aid in the very laudable objects contemplated by the bill. No man would be happier than himself to see the whole barbarous system for ever eradicated. It was well known that, in certain quarters of this country, public opinion was averse to duelling, and no man could fly in the face of that public opinion, without having his reputation sacrificed ; while there were other portions, again, which exacted obedience to the fatal custom. The man with a high sense of honor, and nice sensibility, when the question is whether he shall fight or have the finger of scorn pointed at him, is unable to resist, and few, very few, are found willing to adopt such an alternative. When public opinion was renovated, and chastened by reason, religion, and humanity, the practice of duelling would at once be discountenanced. It was the office of legislation to do all it could to bring about this healthful state of the public mind, and although it might not altogether effect so desirable a result, yet he had no doubt it would do much towards it, and with those views he would give a vote for the bill.

Mr. Hubbard asked for the yeas and nays on the passage; which were ordered, when there appeared for the bill thirty-four, against it one, as follows:—

*Yeas.*—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Fulton, Grundy, Hubbard, Lumpkin, Lyon, McKean, Merrick, Mouton, Niles, Norvell, Prentiss, Roane, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tipton, Trotter, Walker, Wall, White, Williams, Wright, and Young. — 34.

*Nays.*—Mr. Sevier. — 1.

## No. XII.

### JUDGE PIRTLE ON DUELLING.

[From the Louisville (Ky.) Journal, March, 1849.]

JUDGE PIRTLE, in his late valedictory address to the graduating law class in this city, made some excellent and forcible remarks upon the important subject of duelling. He denounced the practice in the strongest language, as rude and coarse, and full of horrid crime. He defined the just office of a young man who might be called as the friend of another on any occasion of offended honor, and showed that oftentimes the blame of death rests on the imprudent course of him who stands in the office of a friend. He charged the young men to attend no man to the field who would persist in the wrong,—the wrong alone disgraced a man. He denounced the mode of battle sometimes practised, even in this age, with gun and pistol and knife, and the fight to the death, as unchivalrous, barbarous, and savage, having nothing but vengeance and murder in it, and unredeemed by a shade of honor,—such as true knighthood would scorn.

## No. XIII.

### DUELLING CUSTOMS.

CHAMBERS, in the *Edinburgh Journal* (1837), thus concludes an article with the above title:—

“Although divines have preached, and moralists have railed, against

this bloody usage, it still prevails to a lesser or greater extent in every country in Europe, and is almost daily producing the most fatal results in America. There are evidently two reasons for its protracted existence. Public opinion is in an unhealthy state upon the subject; there is too ready a disposition to sneer at the man who would refuse to peril his life in a deadly conflict, no matter how unjustifiable the cause. The law, also, is miserably defective in reference to duelling, — defective either in the letter or in the mode of its execution. We venture to predict, that if killing in a duel were visited with the usual capital punishment for murder, only in one instance, no more would be heard of the practice of duelling. But neither the people at large who compose the juries, nor the judicial executive, possess sufficient nerve to carry so effectual a mode of reform into operation. We have known of many murders committed in duels, but never heard of one instance of the murderer being carried to the gallows for his crime. In the midst of this stupid apathy on an evil of so hideous a nature, it is gratifying to find that more clear perceptions of the crime of killing in duel are beginning to be entertained in France, where private fighting has always been more general than elsewhere. In a trial of a person charged with killing another in a duel, before the criminal court of Paris, Monsieur Dupin, an eminent member of the legislature, maintained, in a speech of great force and eloquence, that the practice was not only immoral and Antichristian, but illegal, and that any one who slew another in a duel was guilty of murder. The adoption of these views by the judges of the court must necessarily be extremely beneficial in a country where the laws have been understood rather to favor than to punish these private assassinations. We should be glad to hear similar sentiments delivered in an English criminal court."

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#### No. XIV.

##### THE SWORD-PLAYERS OF THE LAST CENTURY.

The 436th number of the *Spectator* contains an account of the challenge of James Miller, "master of the noble science of defence," to Timothy Buck, who claimed to possess equal skill, and to the combat which followed in the "Bear Garden, at Hockley in the Hole"; and were there not ample evidence to show that the scenes which Addison describes were frequent, we should almost incline to believe, that, for some of his incidents, he drew upon his imagination, so barbarous does the custom of men hacking one another with swords, for the mere amusement of themselves and others, appear to us.

The article from Chambers, written in 1835, which follows, will give the reader an idea of that *diversion* in the British Isles, as well as disclose the fact that noblemen and foreign ministers were voluntary and interested witnesses of it. The change affords reason to hope that the barbarous practice to which this volume is specially devoted may disappear also. While the knowledge that "sword-players" were objects of admiration as late as Addison's time should teach our English brethren charity and moderation in their remarks about those who use bowie-knives and shot-guns on the borders of American civilization.

"Those who are shocked by the descriptions of the gladiatorial scenes exhibited on so large a scale, and with circumstances of such monstrous barbarity, in ancient Rome, will be still more so when informed that practices similar in kind, if less remarkable in degree, were common in our own country till within the last hundred years. At the beginning of the eighteenth century, a place of amusement called the Bear Garden at Hockley in the Hole, in or near London, was devoted to amusements of this description, which were not only resorted to by the lower population, *but by noblemen, and occasionally even by the resident ambassadors*. Men, styling themselves professors of the noble art of defence, and occasionally assuming the title of champion for particular English counties, were either stationary at that place of exhibition, where they defied all competitors, or went about the country, challenging particular towns to furnish them with an antagonist; a failure in which could only be expiated by a purse of gold to purchase their departure. The professors of this barbarous art were in many cases Irishmen; and that there was at least one eminent proficient who claimed Scotland for his place of birth is proved by a scarce old volume in which is chronicled the life of Donald Bane, a man who had originally been a soldier, but afterwards gained a subsistence by teaching the broadsword, and occasionally taking a purse by prize-fighting. On the days when there was to be a fight at Hockley, they used to advertise the circumstance, by parading the streets in fancy dresses, with swords drawn, colors flying, drums beating, and a few officials whose duty it was to disperse bills of the performance. The offensiveness of these promenades is alluded to in terms of bitter reprobation in a presentment of the grand jury of London in June, 1701; but they were not finally put down for full thirty years after that period.

"In 1725, one Figg entertained the public at an amphitheatre in the Oxford Road, where, on one occasion, Sutton, the champion of Kent, and a *female* of the same county, fought Stokes and his wife, for forty pounds, to be given to the male or female who gave most cuts with the sword, and twenty pounds for the most blows at quarter-staff, besides the collection in the box. Two years later appeared the following advertisement: 'In Islington Road, on Monday, the 17th of July



1727, will be performed a trial of skill by the following combatants. "We, Robert Barker and Mary Welsh, from Ireland, having often contaminated our swords with such antagonists as had the insolence to dispute our skill, do find ourselves once more necessitated to challenge, defy, and invite Mr. Stokes and his bold Amazonian virago to meet us on the stage, where we hope to give a satisfaction to the honorable lord of our nation who has laid a wager of twenty guineas on our heads. They that give the most cuts to have the whole money, and the benefit of the house; and if swords, daggers, quarter-staff, fury, rage, and resolution will prevail, our friends shall not meet with a disappointment." "We, James and Elizabeth Stokes, of the city of London, having already given an universal approbation by our agility of body, dexterous hands, and courageous hearts, need not perambulate on this occasion, but rather choose to exercise the sword to their sorrow, and corroborate the general opinion of the town, than to follow the custom of our repartee antagonists. This will be the last time of Mrs. Stokes's performing on the stage." There will be a door on purpose for the reception of the gentlemen, where coaches may drive up, and the company come in without being crowded. Attendance will be given at three, and the combatants mount at six precisely. They all fight in the same dresses as before.' In October, 1730, Mr. Figg fought his two hundred and seventy-first battle with a Mr. Holmes, whose wrist he cut to the bone. It does not appear, however, that these horrible exhibitions were ever attended with a mortal result: such an event would have probably put an end to them.

"At a somewhat later period, an Irish sword-player, named O'Bryan, who had beaten all the combatants at the Bear Garden, and various individuals in other parts of the kingdom, paid a visit to Edinburgh, where, according to his custom, he challenged the inhabitants to produce an antagonist, under the usual penalty. That a breach of the peace of this monstrous character was then tolerated, or such an exaction submitted to, in a populous and not unenlightened city, may well excite surprise; but if we only reflect on how much custom will reconcile us to, our wonder may in some measure cease. O'Bryan had been in the city for some weeks, daily parading through its streets to proclaim his challenge, when the Duke of Hamilton, then residing in Holyrood House, sent for Donald Bane, the teacher of the broadsword already mentioned, with the view of engaging him to take up the cause of the citizens. When Bane arrived at the palace, the Duke of Argyle happened to be present, and, as an old commander of the veteran swordsman, entered heartily into the project. 'Has he a drum?' said Bane. 'Yes,' answered Argyle, 'and a very clever, stout fellow he is, I assure you.' 'You may make yourself easy as to that,' replied Bane, 'for I have broken his drum already.' This was really the case; for meeting O'Bryan at the foot of the West Bow, where he was, in no very courteous terms, defying the whole of Scotland, the patriotic blood of the Caledonian had become excited, and he drove his foot through ~~be~~ one end of the drum and his fist through the other, as a first intima-



rality. But, nevertheless, the existence of the practice is a kind of defence to it, putting us upon suggesting all sorts of empty reasons for tolerating it, — such as its tending to keep up a manly and martial spirit in a commercial community, which we have heard seriously urged in its favor. Were it once suppressed, we should wonder that it ever existed, as we wonder at the obsolete amusement of sword-playing, — so much are we liable to be affected, in our judgment of an abuse, by the fact of its *being* or *not being*. Could we, by any moral argument, more effectually urge the propriety of utterly extinguishing the degrading sports of the ring?"

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No. XV.

THE DUELLIST.

[From Chambers's Edinburgh Journal, 1835.]

A FOREIGNER who has lately written a work upon England mentions that Englishmen are cowards, — they do not fight duels, but content themselves occasionally with boxing. The writer is very ill acquainted with the people of this country who could pen such nonsense as this. If duelling be not practised amongst us, it is because Englishmen — we speak of the middle classes — have more good sense than to resort to such idiotic and murderous means of settling disputes. Besides, there is respect for the law, not to speak of moral and religious obligation. The man who either sends or accepts a challenge to fight with weapons calculated to produce death, must in the eye of sober reason be presumed to act from villanous or exceedingly foolish considerations; although not less unworthy is the conduct which can lead to so fatal a kind of strife. True courage has, in most respects, nothing to do with fighting. Any ruffian can fight. The evil passions are able to prompt men to face death from the worst of motives. True courage is associated with a strong perception of right and wrong, and will exert itself only in a good cause. The man who risks his life to save that of another, or to rescue his country from an imminent danger, exhibits this description of courage in its best light. Fortunately, by the spread of intelligence and the increased power of law and magisterial authority, the practice of duelling is wellnigh banished from Great Britain, and has taken up its abode in those Continental countries where common sense yet exerts but feeble influence, and where

the law does not consider the duellist as a murderer by intent. At Paris, duels have ever been common, the great arena for such encounters being the Bois de Boulogne, a woody park beyond the barriers on the west. Here many an unfortunate wretch has fallen a victim to erroneous principles of honor. The following relation of one of these brutal encounters, in which an Englishman of rank was engaged, is given in a novel recently published, under the title of the "Unfortunate Man."

"Villeneuve, a most notable villain, was one day surprised by young Talbot, whilst instilling his venom of deception into the ear of his sister. The words which passed were few. Suspicions and anonymous letters had already awakened the vigilance of the brother, and had prepared him to wreak ample vengeance on the shoulders of Villeneuve. The blow could not be excused; a meeting took place, and the usual barrier-duel was proposed. To this the young Englishman most positively dissented. He had heard that, day after day, and morning after morning, his adversary was to be seen popping at fifty paces at little plaster-of-Paris figures, about the size of a thimble, and that, thanks to his patience, his practice, and his own pistols, the aim was unerring. The 'Tir au Pistolet,' now a very general resort of all young Frenchmen, in order to prepare them to commit murder, was likewise the resort of Villeneuve. He was a proficient,—a cool, dead shot; cool from the knowledge of his own powers, and that coolness always gives courage when challenged. He smiled, as much as to say, 'It is immaterial to me'; and the next morning he was with his second at the appointed spot. 'I will not,' said young Talbot, 'consent to be shot like a chicken at a stake. I know I have no chance that way of obtaining redress for the injury my family have received. I know that my death is certain, even at fifty paces, and I am resolved to have a chance for my life; so just tell that French officer that the only way I will consent to fight is to have one pistol loaded and the other not, to draw for first choice, and then to stand within a pace of each other; and may Heaven direct the choice of him whose cause is the most just!' It is strange, that even before battles men pray to be assisted by a beneficent, benevolent Creator in the work of destruction, as if the mingled hosts dealing out death and destruction, the rude charge of cavalry, or the shock of infantry, could be pleasant to the eyes of Him who made us, who gave us life, and has taught us how to live! To return thanks after the battle is another thing: we may safely return thanks

that we have been spared to repent of our murders ; but there is something quite revolting to Christianity in the belief that the Supreme Being mingles in the contest, or that the results can be gratifying to an all-merciful God. Villeneuve did not make the slightest objection to the proposition of Talbot's second, although several of his own countrymen, who had come on the pleasant excursion to witness the fight, strongly and vainly endeavored to persuade their friend to leave his life to a better chance. The preparation did not take long. The pistols, both being of course exactly alike, were loaded by the seconds, and enveloped in a large silk handkerchief. The first choice fell to the lot of Villeneuve, who, placing his hand on the weapons, endeavored to choose the heaviest ; but he who is to stand such a dreadful hazard as the one proposed must be more than a man in courage, if in such a moment he is cool enough to discriminate between weights to which a single small bullet gives the preponderance. He fixed upon the one he thought the heaviest, and the other was given to Talbot. They took their respective grounds, and so close that the muzzle of each man's pistol touched his adversary. Talbot expressed himself as ready to die as to commit the murder, but there was no alternative ; he himself had proposed the mode of fighting, and the ungenerous precaution taken by his adversary gave him a little more of the murderous intention than his otherwise truly English feeling could have permitted. Men face some dreadful sights, but few have seen the parallel to this ; neither is it to be thought of by my readers as the mere effusion of an imaginary brain. The duel in question actually took place, and if the names were changed, every particular would be true. Dreadful must it have been for the friends of each ; the certain knowledge that one must fall, — the excitement, the agitation, the hope, the expectation, almost placed the by-standers in as great an apprehension as the principals. When both were placed on the ground, the seconds of each advanced, and took a last farewell. Talbot shook his friend's hand with an earnest trepidation ; he merely whispered a few words, and, with a faint smile and fainter accent, said, ' Good by.' Villeneuve appeared as unconcerned as if he were a casual spectator ; he spoke quick and rapidly ; nodded to one or two of the company, more as a recognition than as a parting ; and had taken leave of his second before Talbot had ended his low whisper. The words given were merely, ' Are you ready ?' then, ' Fire !' Both pistols went off on the second, and both men

fell. Villeneuve only turned upon his side, and almost instantaneously died. Talbot was lifted immediately; the closeness of the pistol at the discharge had knocked him down, and his face was a little injured by the powder; but his worst feeling was that of disgust, when he saw his fallen enemy dead at his feet. The whirl of the brain left him reasonless for some moments, and he fixed his excited eyes upon the corpse; he was hurried from the spot in a dreadful state, and many months elapsed before he was perfectly restored to health, or even reason. There lay Villeneuve, the sworn foe to all Englishmen, having met the fate of almost all professed duellists. He died with a smile of contempt upon his countenance. One of his companions threw his cloak over the corpse; many looked on in silence. There was not a word spoken; the stillness of death had extended itself to the spectators, who one by one retired with cautious footsteps, as if fearing to awaken the slumbers of him who had gone to his long account, and who had left behind him a memory so tarnished that friendship would gladly forget it, and had made the enmity he bore to our countrymen a kind of entailed curse upon his survivors."

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## No. XVI.

### TRIFLES TO AMUSE, AND YET WITH A LESSON.


WESTON, of facetious memory, having borrowed on note the sum of five pounds, and failing in payment, the gentleman who had lent the money took occasion to talk of it in a public coffee-house, which caused Weston to send him a challenge.

Being in the field, the gentleman, a little tender in point of courage, offered him the note to make it up, to which our hero readily consented, and had the note delivered.

"But now," said the gentleman, "if we should return without fighting, our companions will laugh at us; therefore let us give one another a slight scratch, and say we wounded each other.

"With all my heart," says Weston; "come, I'll wound you first."

So, drawing his sword, he whipped it through the fleshy part of his antagonist's arm, till he brought the very tears into his eyes.



This done, and the wound tied up with a handkerchief, "Come," said the gentleman, "where shall I wound you?"

Weston, putting himself in a posture of defence, replied, "Where you can, sir; where you can."

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Two young men, members of a political club at Bromberg, fell into dispute upon the German question. One, an uncompromising German unionist, argued that, much as he loved his native land (Prussia), he loved Germany infinitely more, and unless German unity could be accomplished, Prussia would be lost; and therefore he declared himself against all specific Prussian-doms, and consequently against the Prussian cockade, its symbol. The other, who is what is called a stock-Preussier (Prussian to the backbone), took fire at the last words, which he regarded as an insult to the Prussian cockade and colors, and so, in lieu of argument, he retorted by saying, "Sir, you are a pitiful fellow." Whereupon the unionist, though sorely vexed at seeing his argument thus uncivilly cut short, bowed calmly and said, "I never reply to an insult by insults; you shall hear from me." After twenty-four hours' consideration, and in perfect harmony with the maxims of universal peace, he sat down and addressed the following letter to his antagonist: "Sir, your yesterday's insult demands satisfaction; but as I am a married man I do not choose to set my life on a chance. I therefore propose that we shall fire with pistols at a mark, in the presence of our seconds, and whoever makes the best shot shall receive a one hundred dollar share, bearing five per cent. interest, in the Voluntary Loan. By this means you can satisfy your patriotism and my honor. Yours, &c." The Prussian laughed in his sleeve at this singular challenge, — more singular than the beer duels of the university students, — and accepted it; little disposed, however, to change his "pitiful" opinion of the challenger. Well, out they went, seconds and all, to the shooting-ground, and, as it was declared that both were unpractised shots, the chances were equal. So, after measuring distance and loading pistols, with all the gravity of a murderous conflict, pop went the challenger, and hit the bull's-eye, and bang went the challenged, and missed the target; whereupon the seconds interfered, and condemned the loser to book up. And there the affair ended, to the universal merriment of the usually pugnacious town of Bromberg.

## IN THE UNITED STATES, 1853.

A COUPLE of young men, in the lower part of ———, had a difficulty about a young lady, in the course of which a banter was given for a fight. It was at length agreed that it should be a duel, and the weapons pistols. Seconds were chosen, and the preliminaries agreed on. To keep the courage of the principals from taking the direction of Bob Acres's, and oozing out of their finger-ends, they were privately informed that the pistols would be loaded only with powder. One evening in the latter part of last week the parties proceeded to the Plank Road, the ground was measured, and a pair of villanous-looking horse-pistols presented to the combatants, and the word given. At the discharge, one of the parties, dexterously smearing his face with some red liquid and uttering a groan, fell heavily to the ground. His opponent, astounded at the result, was coolly informed by his second that *his* pistol was loaded right. Dropping his pistol, he rushed forward, imploring the wounded man to speak, but was answered only by groans, as if in great pain. Convinced that he had dangerously, if not fatally, wounded his antagonist, he started full run to make his escape, and next morning about daylight reached his brother's, about ten miles from ———. Here the whole family, including his mother, were startled by the revelation, and the brother with all speed came to ———, and, taking up some funds, several hundred dollars, his mother had in a bank, to employ counsel, &c. on behalf of his brother, came on to ——— to ascertain the state of the wounded man, and found that his brother was the victim of a hoax.

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GALIGNANI tells us that a singular duel took place recently in the Bois de Boulogne. Two coachmen who had long felt ill-blood for each other, and had never met without squabbling, stood again in the presence of each other, when one of them said, "Our quarrelling has now lasted too long; it is time to put an end to it. Let us have one fight, and let that be the last. We neither of us understand anything of sword or pistol; let us fight with our whips!" and they set to accordingly.

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## DUELLING ON THE AUSTRIAN FRONTIER.

ON the borders of Austria and Turkey, where a private pique or quarrel of an individual might occasion the massacre of a



family or village, the desolation of a province, and perhaps even the more extended horrors of a national war, whensoever any serious dispute arises between two subjects of the different empires, to terminate it recourse is had to what is called "the custom of the frontier." A spacious plain or field is selected, whither, on an appointed day, judges of the respective nations repair, accompanied by all those whom curiosity or interest may assemble. The combatants are not restricted in the choice or number of their arms, or in their method of fighting, but each is at liberty to employ whatsoever he conceives is most advantageous to himself, and avail himself of every artifice to insure his own safety and destroy the life of his antagonist. One of the last times that this method of deciding a quarrel on the frontiers was resorted to, the circumstances were sufficiently curious. The phlegmatic German, armed with the most desperate weapon in the world, — a rifle pistol, mounted on a carabine stock, — placed himself in the middle of the field; and, conscious that he would infallibly destroy his enemy if he could once get him within shot, began coolly to smoke his pipe. The Turk, on the contrary, with a pistol on one side and a pistol on the other, and two more in his holsters, and two more in his breast, and a carabine at his back, and a sabre by his side, and a dagger in his belt, advanced like a moving magazine, and, galloping round his adversary, kept incessantly firing at him. The German, conscious that little or no danger was to be apprehended from such a marksman with such weapons, deliberately continued to smoke his pipe. The Turk at length perceiving a sort of little explosion, as if his antagonist's pistol had missed fire, advanced like lightning to cut him down, and almost immediately was shot dead. The wily German had put some gunpowder into his pipe, the light of which his enemy mistook, as the other had foreseen would be the case, for a flash in the pan; and, no longer fearing the superior skill and superior arms of his adversary, fell a victim to them both when seconded by artifice. — *Flowers of Anecdote.*

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#### DUEL OF TWO GASCONS.

Two Gascons having a quarrel, a challenge passed between them. When they were come to the ground, one of them said to the other, who was in a posture to commence the combat, Ah, my friend, how you charm me! I shall regret exces-

sively to kill so fine a fellow as you. Ask your life, and I will grant it to you." The other said that he was not come to that pass yet, but was prepared to defend himself. The first speaker repeated his kind offer: "Ah, my good fellow, do ask your life; I will willingly give it you." But the other, who saw through his fanfaronade, called upon him instantly to stand to his defence, that the fight might be commenced. "Ah!" said the first, "I do admire the fine appearance you make in your posture: you are a perfect Cæsar. Why should such a fine fellow be caused to bite the dust? Will you really not ask your life?" "No, no," thundered out the other; "defend yourself, or I will kill you." "You ravish me!" cried the man of mercy. "But if you *are* determined not to ask your life of me, why, I ask *mine of you!*"

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#### HOW A DUEL MAY BE GOT UP.

THIS affair of the duel is worth recording. It happened thus: — "That was a very beautiful ostrich-plume which Miss Smith wore at the race ball last night," said I. "I thought it the ugliest thing I ever saw," remarked Captain Brown. "It certainly was not ugly," I replied; "but, of course, there may be different opinions as to its beauty. I, for instance, thought it very beautiful." "And I thought it very ugly," responded Captain Brown; "as ugly as Miss Smith herself." "Miss Smith is not exactly handsome, I allow," was my answer; "but a lady may not be handsome, and yet not ugly." "Every one to his taste," said Captain Brown, with what I considered an insulting air; and then added, "Every Jack has his Gill!" "Miss Smith is no Gill of mine," I replied. "I did not say she was," said Captain Brown, and laughed. "And I am no Jack," I continued, nettled by his laugh. "I did not say you were," said Captain Brown, fiercely; "but if you want to make a quarrel of it, you may. I say again, and I have as much right to say what I say, as you have to say what you say, that Miss Smith's ostrich-plume was ugly, as ugly as Miss Smith herself." "Since you put it thus offensively, Captain Brown," I retorted, "I now maintain there was nothing ugly, no, not anything ugly at all, either in Miss Smith's feathers or Miss Smith herself. I'll not be browbeaten by any man, Captain Brown!" "Sir, you are insolent!" exclaimed

Captain Brown, looking as scarlet as his own jacket. "Very likely ; but I always make it a rule to conduct myself towards persons as they deserve," and I turned upon my heel to quit the room. Captain Brown followed me to the door. "You shall hear from me in an hour," said he. "In half an hour, if you like," said I, and walked away, boiling with indignation.

Before I heard from Captain Brown, I was as cool as a cucumber. I saw all the folly of my situation; I had never spoken to Miss Smith in my life. What was it to me, then, whether her ostrich-plume was beautiful or ugly, or she herself handsome or a fright? I resolved to treat the matter with ridicule. It would be preposterous to go out for such a cause. We should be the laughing-stock of all our friends and acquaintance. These were my *first* thoughts, when my mind was calm enough for thought to take the place of feeling. Besides, I might be shot through the body ; and all for what ? — a silly dispute about Miss Smith and her feathers ! I did not like the idea. I determined I would *not* make an affair of honor of it. But what would the world say, if Captain Brown posted me as a coward, or horsewhipped me, or if I were pointed at as a man who had sneaked out of a duel by a voluntary apology ? These were my *second* thoughts. They carried the day, after a sharp struggle with my first. I determined I *would* make an affair of honor of it. I did so. I met Captain Brown the next morning at sunrise, and I sacrificed one of my fingers, besides the risk of sacrificing my life, in defence of Miss Smith's personal charms and the disputed pulchritude of her ostrich-plume. — *New Monthly Magazine*.

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## No. XVII.

### DUELLING: A TALE OF WOE.

[From Bentley's Miscellany.]

THERE is a trait in Irish character which I have always conceived to be naturally chivalrous, and that is a general dislike to seek in courts of law a momentary compensation for honor outraged through woman's folly. In England, reparation for loss of services is considered a thing as correctly reclaimable as loss of profit on a broken contract for a cargo of seal-oil or guano ; while

in the sister kingdom, in nine cases out of ten, the man who works upon the weakness of a wife, or trifles with the affections of a sister, is not subjected to the assessment on amounts of injury by the computation of a jury, but summoned to give personal satisfaction in the field. Many a fatal case, recorded in the annals of Irish duelling, will tell how frequently profligate success has paid, in turn, a bloody penalty.

In caricaturing Milesian manners and feelings, it has been asserted that you could not look at a Cork lady at a supper-table but she graciously murmured, "Port, if you please!" or dance a second time with a man's sister, that he was not certain to drop in next morning, before you dressed, to inquire whether your intentions to the young lady were matrimonial. That a number of unhappy marriages have been effected by pistol intervention, is too true; and I recollect one sad case where the love was on the lady's side, and a fine-spirited and honorable young fellow, with all before him that could promise happiness, was suddenly removed from existence ere the third week closed that followed as bright a union as could be fancied.

R—— was remarkably handsome, and those personal advantages were enhanced by the total unconsciousness that he possessed them. A young lady saw, loved; and remembering what Viola's friends suffered from concealment, she saved the damask of her cheek, and intimated to the gentleman the state of her affections. In reply, poor R—— candidly confided his situation to the lady. He had wooed and won the only woman he loved, and the next Monday would bless him with her hand.

Harriette M—— was handsome, self-willed, rich, and proud as Lucifer. R—— in fortune was her equal, but in birth a *caste* below. The circumstance, however, that embittered her rejection — and if rejection be humiliating to a man, how fearfully must it agonize the woman who, perverting conventional usages, sues when she should be sought, supplicates what she should conceal, and is rejected?

"Heaven has no rage like love to hatred turned,  
Nor hell a fury like a woman spurned."

And for whom had her hand and fortune been declined? The daughter of a village curate; rich in nothing but youth, and innocence, and beauty.

The Devil never prompts a delinquency, that he does not manage to supply a tool. George Pemberton was Harriette's kinsman,

a Lieutenant in the —th, wretchedly poor, and his regiment an expensive one. His manners were assuming ; and, with an empty purse, how many slights will an ill-tempered individual experience, should he have the misfortune of being gazetted to a crack corps ? George Pemberton was returning, on leave between returns, to raise a small sum of money ; or, failing, to sell out ; and he found his cousin Harriette all alone, five minuets after the — *Chronicle* had been received, detailing, in glowing language, the beauty of the bride, as being in perfect keeping with that of the handsomest man who, for years, had sworn conjugal allegiance at the altar. "The happy couple," the paper added, "had gone to — to spend the honeymoon."

In such frames of mind, and under such circumstances, the cousins met. Pemberton, in right of his relationship, would have saluted his fair kinswoman ; but she drew her face away, and, looking contemptuously at his short and shapeless person, coolly observed, —

"Palm to palm must do, George ; for, i' faith ! you are too ugly even for a cousin to kiss !"

"As handsome and as insolent as ever ! Why, Harriette, I expected to have seen a willow wreath and pallid cheek. You bear your throw-over patiently."

The lady's brows contracted, and she haughtily waved her hand.

"Enough ! no more of this. I know your business here. You want two hundred pounds, and my father will not advance as many pence, were it to save your neck, and not your commission."

"Then I must send in my papers, and leave the —th."

"Unless some fool is found who will lend money to a gentleman, who, on six shillings a day, keeps a pair of hunters !" observed the lady.

Pemberton looked sulky and displeased.

"Nay, George, on my conscience, thou art ill-favored enough, without knitting those beetle brows together. I have the money. Would you earn it ?"

"I would go to the Devil," was the reply, "rather than quit the —th from sheer poverty. What shall I do ?"

She turned her dark and lightning eyes on his, and, after a pause of half a minute, pointed with her finger to the paragraph which announced the hated marriage. Then, dropping her voice to an emphatic whisper, she laid her lips close to her kinsman's ear : —

"Read! Spoil the first honeymoon — the money's thine!"  
And without waiting a reply, she hurried to her own apartment.

Never did the arch-enemy of man select a better agent than George Pemberton. It is a curious temper, he united a sufficiency of animal courage to make him dangerous; and secret influences, with which his revengeful kinswoman was well acquainted, fitted him for the task. He knew that his retirement from a regiment, offered by men of property, and to whom he had made himself obnoxious by the late attempt of veiling poverty under insolence, would be felt a triumph. But deeper feelings toward the husband of Lucy Meadows urged him on to vengeance. He had secretly but passionately loved her; and she had neither tact nor prudence to conceal a personal dislike, amounting to aversion. Keeping in the background the real causes which impelled him to attempt the life of one against whom he could plead no injury, an alleged slight to his fair cousin would form — a very pretty quarrel; and with a congenial spirit as *démolisseur* as his own, he set off, without delay, to the retired watering-place, where the handsomest and happiest pair that Connaught could produce were, in their own belief, entering on an elysian existence.

The barbarous pinculio of the times — provided a man could boast gentle lineage — almost prohibited a refusal to his call for satisfaction, no matter how flimsy the pretext might be under which he demanded a hostile meeting, and Pemberton availed himself of it.

It was evening. R—— had been engaged in answering congratulatory letters, and had proceeded with his *billets* to the post. Lucy watched him from the inn-window, and thought her husband never looked so handsome as when, in turning the corner, he smiled and kissed his hand. She gazed at the sun, sinking gloriously in the far west, and in the flood of gold hiding his broad disc in the boundless waters of the Atlantic. Alas! she little dreamed, poor girl, that

"The moon that rose  
And promised rapture in the close,"

was fated to usher in a night on whose deep, deep darkness a ray of hope should never break again.

Pemberton and his companion waylaid their intended victim; but R—— felt himself too blessed with Lucy to risk aught that

could interrupt his happiness. Against the imputed offence he temperately remonstrated, and repudiated all intention of wounding the feelings of the lady, whose imaginary wrongs were made the basis to rest a quarrel on. A meeting he declined; at least until he could send for and consult a friend. From insolence, Pemberton proceeded to verbal, and at last to personal insult. R——'s was a brave and manly spirit. Good Heaven! to feel the ruffian's whip upon his shoulders and not resent the outrage! His temper yielded; he longed to wipe disgrace away in blood. He urged delay no longer; demanded instant satisfaction; hurried into the inn-garden, and, within ten minutes from the time he waved a passing — little did he fancy it a last — adieu, R—— was stretched, in death, upon the bowling-green!

What Lucy suffered may be readily conceived. Human misery could not go farther: in one sheer plunge, to reach, from the very pinnacle of mortal happiness, the darkest abyss of despair. The imagination must fill out what fancy cannot pencil.

And how did she feel, — she, that guilty woman, when

“ The ruin that her rashness wrought ”

was told her?

Before her emissary had accomplished half his journey, Harriette's better feelings had regained ascendancy, and, when too late, she would have given thousands to have recalled her hireling kinsman. In charity, we will hope that her wounded pride sought vengeance short of destruction. Indeed, the effect of the sad intelligence, when it arrived, would go far to prove that such was the case. She was convulsed, fevered, delirious for two months after, and recovered strength only by the loss of reason; and in a few years after closed her wretched existence in an asylum.

I often called to memory the truth of Father Malachi's duelling deductions; for the *finale* to the careers of Messieurs Andrews and Pemberton proved them correct to the letter. Both died violent, but inglorious deaths.

Frank Andrews, some half-dozen years after he had placed the house of Sheivé-nagarrew in mourning, repaired to the metropolis on business. The evening he arrived in Dublin he contrived to fasten a quarrel on a linen-draper, whose sister he had insulted at the theatre, and hurried the devoted tradesman by the

first dawn of day to "the twelve acres."\* The hour of retribution had come, — for a man whose hand never clasped before a deadlier implement than a cloth-yard contrived to pop, *par accident*, a quarter of an ounce of lead into the pericardium of Mr. Francis Andrews.

Well, though he fell in the lap of honor, still, the *artiste* who sped him was a linen-draper; that was certainly a sad drawback; but, if Mr. Andrews's *exit* was not the thing, Mr. Pemberton's was even less *distingué*.

Never had homicide, by permission of Irish gentlemen, promised more satisfactory results to its perpetrator. The transmission of Harriette and her father — the former to a madhouse, and the latter to a grave — occurred within the month, and, as heir-at-law, Mr. George Pemberton succeeded to the management of the estates and custody of the lunatic. Mr. Pemberton determined that during his life his fair cousin should continue in seclusion, and fate gave a kind consent.

It was a gray autumnal evening, when Pemberton, who had taken formal possession of his uncle's house, was carrying two strangers home to supper, whose acquaintance he had made that morning at the fair of —town. It may be here necessary to remark, that R—— had a natural brother, to whom he had been generous and kind, and who had been often overheard vowing eternal vengeance on the destroyer of his kinsman. He took his mother's name, — was called William Halligan, but, by the country people, was better known by the *sobriquet* of *Liaume Vaddagh*.† Eight months had elapsed since R—— was killed by Pemberton, and people began to say that "George was safely seated in his saddle." To this opinion others dissented. *Liaume Vaddagh*, before his kinsman's death, had been held in light estimation. He drank freely, headed faction fights, and, more than once, had been hinted at in chapel as a gay deceiver. But a marvellous change since his brother's death had come over his wild youth; — whiskey never passed his lips, — no inducement at fair or market could rank him in a faction fight; — his youthful compeers declared he was bewitched, but older men shook their heads, and hinted that the young *Liaume Vaddagh*, under a quiet exterior, was "fuller of mischief than a loaded blunderbuss." The old folks were right, for "Long William" only bode his time, like the red Kirkpatrick, to "strike sicker."

\* A division of the Phoenix Park, where duels have been fought by the hundred.

† *Anglice*, Long William.



Pemberton, although several monitory hints were given him, remained in false security ; and yet there were times that the altered habits of this wild young man, when coupled with his omnipresence in fair or market, or wherever else the place he frequented might be, went some length in creating suspicion in the mind of Pemberton. At the fair, on this day, he encountered " Long William " more than once, and so did others, who noticed to each other a change equally remarkable in his habits and appearance. *Liaume Vaddagh* had hitherto worn the deepest mourning, and avoided spirits as he would poison. On this day his sables were discarded, and he was gayly dressed ; while, with his " inky " garments, his unsocial habits appeared to have departed. He drank deep to his brother's memory, mentioning that this was the birthday of the deceased.

One other circumstance requires a passing notice. Lucy had frequently requested that " Long William " would come to see her, aware how strong the attachment was which had existed between her murdered husband and his wild half-brother. To every invitation the same answer was gratefully returned, — " He would dutifully wait upon her when his vow should be accomplished." What the vow was, none knew.

When evening came, and Mr. Pemberton had ordered his horse to the inn-door, *Liaume Vaddagh* was seen, wrapped in his *catamore*, riding briskly from the market-town. The distance to reach the principal entrance to the park would require a *dé-tour* of at least two miles, while a back gate opened upon the road that William took. There was no lodge, but *Liaume Vaddagh* was seen to gain admission by a key, and carefully lock the gate afterward. The scene that followed was thus described by one of the strangers.

On reaching the back entrance of the park, Mr. Pemberton unlocked the gate, and when he had again secured it, he turned to his guests, and bade them a courteous welcome.

" This is the first time I have had the honor, gentlemen, to receive you at Mount Hazel. May I hope it will not be the last ? " The strangers bowed ; while a voice that seemed an echo, repeated in hollow and distinct tones, "*The last !*" A gun exploded, — Mr. Pemberton staggered and fell, — the strangers' horses went off at speed, — one rider managed to keep his saddle, while the other was roughly dismounted. The fallen horseman rolled into the ditch, and there, in mortal agony, he viewed the *denouement* of the tragedy.

A tall man, wrapped in a frieze great-coat, stepped leisurely from the back of the hedge, and quietly approached the body. He looked for a moment at the glassy eye and bloodless lips. "One barrel did the business!" he muttered, and laid the gun in a slanting direction across the corpse. Then, taking a written paper from his pocket, he affixed it to the dead man's breast. All was methodically done; a pin secured every corner of the placard, and these pins were placed carefully in the cuff of the murderer's *catamore*. That done, he coolly reloaded the discharged barrel. The stranger remarked that the gun had been prepared for concealment and assassination, for the barrels had been shortened by a foot. The murderer gazed on the dead body for a minute, but his hand never approached the pockets of his victim, except when he drew a gold watch from the fob, muttered it was "half-past seven," and cautiously returned the time-piece. The murder being done to his satisfaction, he led a horse into the avenue, unlocked and refastened the gate, and rode off leisurely. Half dead with fear, the stranger listened to the retiring horse-tramps, and crept cautiously from the ditch. He shuddered as he looked at the body, for, on the breast of the dead man, a paper, written in bold characters, bore the single sentence of "BLOOD FOR BLOOD!"

Lucy R——, in widow's weeds, was sitting in her drawing-room; the gloom of twilight accorded with her "soul's sadness"; for the period was approaching, when a being, orphaned long before it saw the light, was to claim a mother's care. Her past was frightful to recall, her future fearful to look forward to. What should she be were her hour of trial safely over? A widowed mother at twenty! Wrapped in sombre meditation, she did not hear the opening door, until, moving across the light, a tall figure arrested her attention, when standing within two yards.

"Who are you?" demanded the startled mourner.

"William Halligan, lady, come to bid you an eternal farewell!"

A deep, low voice responded, —

"Brother of him in whom every feeling of this young heart was centred, and ever will be, I give you a widow's welcome. — Sit down, William."

"Lady, I dare not, for time is precious."

"How often have I sent for you, William!"

"And think you, lady, that a whisper from you would not have brought me here at midnight? Bound, however, by a

secret vow, I dared not see you until I came to-night to say farewell."

"Where are you going, William?"

"That Heaven and accident only can decide. The money which he whom we both lament bequeathed me was, months ago, transmitted to America, and there I sail to claim it."

"I need protection, William. That hardened wretch — he who robbed me of my husband — rode past my window yesterday."

"He will never repeat the offence," returned Long William, calmly. "But time hurries forward, and upon a few minutes, with me, life and death may depend. Should the promised infant be a boy, give him this, as a dear memento," — and he took a gun from beneath his great-coat, and laid it on the table. "Tell him that a cross is filed deeply in the barrel that sped —"

"Whom, — in the name of Heaven?" exclaimed the lady, in alarm.

"The slayer of his father! And now, farewell for ever!"

He fell upon his knees, caught the lady's hand in his, and covered it with kisses. A low, shrill whistle was heard beneath the window.

"It is the signal. May Heaven bless and comfort you! Lady, farewell, for ever!"

Before the words were heard distinctly, he vanished as he entered. All knew that the homicide of George Pemberton was *Liaume Vaddagh*, and, in a wild community,

"With whom revenge is virtue,"

his memory is still handed down as one who did "the state some service." He sought the backwoods of the Illinois, led a hunter's life, and died in an Indian wigwam.

It is only necessary to add, that the family of the unscrupulous duellist have been extinct for several years, while the descendant of the victimized bridegroom is prosperous in worldly circumstances.

The circumstances under which I witnessed this fatal encounter were purely accidental. I had been stopping at the same inn where poor R—— was passing his honeymoon, and had often admired a couple, whom Nature, it would seem, had created for each other. The evening when the wicked deed took place, — for Pemberton's friend gave the false signal, and R—— was shot before he raised his pistol, — I was in my bed-room, making

a trifling change in my toilet, preparatory to an excursion along the cliffs, when, without the customary knock upon the door, in rushed the chambermaid, —

“Sir! sir!” she exclaimed in a voice of wild alarm; “run down stairs, for God’s sake! They ’re going to shoot the handsome gentleman!”

Before I could ask a question, or comprehend what the frightened girl meant, pop went a pistol in the garden. I jumped to the window, — it overlooked the bowling-green, — and there, upheld by the gardener and a boy, I saw a gentlemen in the agonies of death. Half undressed, I hurried down stairs, and saw the two men mount their horses and ride coolly from the yard, and on reaching the scene of action found that with poor R—— suffering was at an end and life was extinct.

Thirty years after the said event, I was marching a wing of the —d through Johnstown, where we were to halt for the night, when I received a visit from the squire, to invite me to dinner, and offer me a bed. Both were willingly accepted; for the village hostelry was ill-kept and sadly overcrowded. On inquiry, I found that the gentleman to whose hospitality I was about to be indebted was the son of poor R——, whom I had seen shot at East Port; and, as the reminiscence might be unpleasant, I kept it to myself. I was most kindly entertained, and after supper — in those days a favorite meal in Ireland — was conducted by a gray-haired attendant to my sleeping-chamber.

“Have you been long in the family?” I inquired.

“I have lived in Johnstown under three generations.”

“Then you remember some family changes in your time, John?”

“Ah, many,” said the old man; “some for the better, and others for the worse.”

“You lived with the father of Mr. R——?”

“I lived with the best master and the handsomest man that ever fell in a wicked duel.”

“I saw him shot.”

The old man started, crossed himself devoutly, and poured out a supplication for mercy to the departed. “May I ask your name, sir?”

I told it.

“I remember it well. You were the young officer who held the poor master in your arms, when you sent the gardener and his boy to fetch the doctors.”

"I am that person, and would have acted as your master's second, could I have reached the bowling-green in time. But they made short work of it."

"Ah, they did, indeed," said the old man, "but the vengeance of the Almighty has pursued them hard."

"Did he who killed your master come to an untimely end?" I demanded.

"Come into the next room, and I will tell you, sir."

He lifted the candles from the table, and led me into an adjoining apartment. It seemed a sort of private room or study. There were a couple of book-cases, whose shelves were tolerably filled, a collection of stuffed birds, and a glass press above the mantel-piece, to which, when he had placed the lights on the marble slab, he selected and applied a key, and from two pegs within lifted down an antiquated weapon. I took the gun and examined it carefully. In its day it was, no doubt, held in high estimation. The pans and touch-holes were bushed with gold, and the mountings of the stock were elaborately finished, the finishings being silver. But the barrels were shortened by a foot.

"Why, John, these barrels have been *razed*. How short they are!"

"They were found long enough to do the work of vengeance!" returned the old man, dryly. "See ye, sir, this cross?"

"Yes; the file has deeply indented it."

"Through that barrel a summons to eternity was carried to a ruthless heart. May God be gracious to your soul, *Liaume Vad-dagh*! You took your time to do your work, and did it well."

The old man replaced the weapon on its pegs, locked the glass case, conducted me to my room, bade me "Good night," and left me to sleep,—perchance to dream.

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